

ARMY AND NAVY CHRONICLE.

Edited and Published by B. Hemans, at \$5 a year, payable in advance.

VOL. IV.—No. 13.] WASHINGTON, THURSDAY, MARCH 30, 1837. [WHOLE No. 117.

SEMINOLE CAMPAIGN.

MAJOR GENERAL SCOTT'S ADDRESS,

CONTINUED.

"With respect to this distinguished officer (General Jesup) I have every motive in the world, public and private, to act in perfect harmony. All my ancient affection for him is fast returning. I hope it will be entirely restored in a day or two—that is, as soon as I shall learn that he conforms himself to my plans and instructions."

Having subsequently received General Jesup's report, dated the 20th, giving his operations and motives from the 12th to that date, with several other official letters, (in evidence;) having, as I passed down the country, on the evening of the 23d, met and conversed with him on the subject; confiding in the facts and motives alleged by him, on the several occasions, and being absolutely ignorant then, and long afterwards, of his letters to Mr. Secretary Cass; and, above all, the dastardly attack through Mr. Editor Blair, in the since notorious letter of the 20th; the Court may imagine how, with my reviving feelings of kindness, I was led to write the voluntary apology for General Jesup's conduct, dated the 23d of June, and addressed to the Adjutant General. In this letter I requested that such of my reports as had inadvertently on General Jesup, might be returned to me, on the ground that, *as we were again friends, no trace might remain on record to show that we had ever been otherwise.* He had met and rode some miles with me that evening. As he entered my room, I finished the letter, handed it to him to read before I had read it myself, and it was instantly recorded by an aid-de-camp, in my letter-book. I did not tell him "on the morning of the 24th," as he writes to Mr. Blair, September 3d, that I "would ask to withdraw" the letters, &c. The request, and my reasons for it, he had seen the night before. With the letter in his hands, he intimated an objection to the word *explanations* offered by him; but, on an admonition, on my part, full of firmness and kindness, he read the letter through, and expressed himself gratified with it. Why, sir, did he not tell me of, or instantly take measures to counteract his assassin-like letter, then so recently written to Mr. Blair, and which, beyond all doubt, he despatched after the receipt of mine of the 19th?

A miserable apology is attempted by General Jesup, for addressing the President of the United States on official matters, through the secret channel of Mr. Blair, in the printed sheet, or pamphlet, (before noticed,) signed by General Jesup's aid-de-camp. In this joint production, it is said: "The official channel of communication was through General Scott. To make the application through him would have been indelicate," &c. But where was the convenient channel through Mr. Secretary Cass, which General Jesup had twice adopted, (on the 10th and 11th of June,) before the letter of the 20th to Mr. Blair, and once afterwards, the 25th of June, on other military subjects? Have those acts of direct insubordination towards me been ever rebuked? It is to be presumed *not*, sir, or those letters would not have been found, in the same Department, in the time of Mr. Secretary Butler.

The truth is, Mr. President, General Jesup left Washington on the 22d of May, the day after the receipt of my letter respecting Major Read, and aware of the displeasure which that letter had brought upon me, he believed himself at liberty to

defy my authority, with but little observance, as often as his vanity might dictate. Hence his repeated boasts (in his letters) that he had been sent into the field by the President himself, although, in the instructions to him, he was expressly told that, if he found me there, he was to serve under me, and to obey my orders, as the Rules and Articles of War would have told him independent of those instructions; and hence, from the same cause or causes, all those letters, *official-private* and *private-official*, with the pamphlet and communication in *The Globe*, which I have brought under the review of this Court. The blood of all the Seminoles may be made to crimson the waters of Florida; but neither one or both can wash away that stain which his conduct to an ancient friend has brought upon him. Sir, a moment more, and I shall have done with his name forever.

Much having been objected to my plan of operations against the Creeks as against that in Florida, and there being really some danger that any plan of campaign may, from the sneers of some of my contemporaries, be, in future, considered as unworthy of the native genius of American commanders—I beg leave, Mr. President, to fortify my last humble conception of this sort, by the opinions of three highly distinguished gentlemen who have favored me with their depositions. The following interrogatories, but slightly and accidentally varied, were propounded by me to each of those deponents:

1. "What, in the opinion of the witness, were the relative advantages or disadvantages, between a plan of operations beginning on a line at, or above, Irwinton, and below the hostile Creeks, and acting up the country, and beginning (say) on a line from Tuskegee to Fort Mitchell, above the greater number of the enemy, and thence operating down the country?"

2. "If the whole disposable force of Georgians, Alabamians, and regulars, with the friendly Indians, acting as auxiliaries, had been placed in a line below the enemy, and had operated up the country, whilst the frontier settlements of Georgia and Alabama were guarded with competent detachments, is it not probable that fewer of the enemy would have escaped across the Chattahoochie, in the direction of Florida, than actually did so escape; and, also, that the war would have been earlier finished than it actually was?"

3. "Is it not probable or certain, that the movement of General Jesup, and the forces under his immediate orders, from Tuskegee upon Fort Mitchell, and from that line below, before all the other forces upon the Chattahoochie were ready to take positions on that river, and the base-line below the enemy, put the enemy upon the endeavor to escape in the direction of Florida, and led to the many severe conflicts which took place on the soil of Georgia?"

4. "Which of the two plans of operations, that of operating with the whole disposable force, under the general command of the said Scott, *upwards*, from a line below the enemy, and beginning (say) about the 25th of June; and the plan pursued by the said Jesup, viz: beginning an isolated movement (say) about the 12th of the same month, from Tuskegee towards Fort Mitchell, and thence operating *down the country*, would, in the opinion of the witness, have the sooner terminated the war, by the capture of the great body of the enemy?"

These questions are here differently numbered from the numbers they bore in the several papers drawn up by me, to be submitted to the witnesses.

I regret, Mr. President, that I have not the time,

or strength, to embody the answers to the several interrogatories given by his Excellency Governor Schley, a near, an anxious, and close observer of all that passed; of Major General Sanford, who commanded the Georgia line from an earlier period to the end of the war, and of the honorable Mr. Dawson, a colonel at home, but a captain in the campaign. Each is clear and emphatic in favor of the plan of operating *upwards*, in preference to the reverse plan; in favor of a delay to about the 25th of June, with a view to a united movement upwards, with all the disposable forces, and of the opinion that the war would sooner have been terminated by that delay, in the beginning, and with better results. I know not an intelligent officer who was with me in the campaign, who would not have given like opinions if called upon for the purpose.

To this, or a similar question propounded, viz:

"Is the witness aware that the said Scott, in any particular, when not ill in bed, failed in point of zeal, activity, or judgment, in the direction of the war against the hostile Creek Indians, before mentioned?"

The answers of Governor Schley, Major General Sanford, Colonels Dawson and Kenan, and Major Kirby, to this question, are all again too complimentary to be produced in this place, and no other officer with me in the Creek campaign was interrogated the subject.

Mr. President, and Gentlemen of the Court: I am exhausted; but should do equal wrong to justice and to my own feelings, not to return to each and every one of you, my hearty thanks for the patience and impartiality you have all shown, including the Judge Advocate, in this long investigation.

Every material fact which has been given in evidence, that could by mere possibility affect your judgments to my prejudice, and I recollect but few of that character, will be found carefully embodied, or specifically referred to, in this summary. Much, I know, to be wholly omitted on the other side. These declarations, I am confident, no examination will be able to controvert. And here, I may add, that there is not an important circumstance in all my recent conduct in the field, which was not duly reported at the earliest moment, and with my own hand, for the information of Government. With, then, this overwhelming mass of evidence in my favor, permit me again to ask, By what strange fatality do I find myself here? It is for this Court, with the approbation of the President of the United States, to bid me *depart with honor*; and that that decision may be without the further alloy of suspense, in which I have now but too long been held, under circumstances which, perhaps, could not have been controlled, I will ask that *it be speedily rendered*.

WINFIELD SCOTT.

FREDERICKTOWN, Md., January 19, 1836.

DEFENCE OF MAJOR GENERAL E. P. GAINES,
*Before the Court of Inquiry of which Maj. Gen. Macomb
is President*

Frederick, Maryland, February, 1837.

Mr. President:

My first object is to show that the order given me to command the Western Department, made it my duty, on hearing of the outbreak of savage war upon the troops and frontier inhabitants of East Florida, within the known limits of my department, to collect together whatever disposable force I could obtain near me, and fly to the theatre of the war, to "*repel the invasion*," and beat the enemy, or hold them in check, and stand between them and the bleeding frontier, until the President of the United States should be advised of the state of the war, and of my movements and measures, and thereupon make whatever arrangements he might see fit for affording *protection* to the frontier and terminating the war.

I stand before this Court as one of the *accused*. Major General Scott, though placed as I am placed, in the attitude which the law recognises as one of the "*accused*," (see the 91st article of the Rules and Articles of War,) has been erroneously, as I have endeavored to show, suffered by the Court to *act as my accuser—and thus to act in my absence*. Protesting again, as I have protested, against this proceeding, I can but avail myself of the restricted means which the Court has seen fit to impose in the vindication of my conduct: and, since the Court has denied me the privilege of meeting my accuser and his witnesses face to face, and thus scrutinizing the accusations against me, and "cross-examining and interrogating the witnesses," as authorized by the 91st article of war, I find myself compelled to proceed under all the disadvantages of repelling accusations that have not only been so far sanctioned by the Secretary of War as to be published by his authority, and then acted on by the Court in my absence, and ultimately forwarded to the Department of War, as I have been given to understand, with the final decision of this Court.

Notwithstanding all these disadvantages, Mr. President, I do not despair. The strength of my cause, the strict military propriety of my measures, with the patient hearing which the Court has given to the testimony before you, assure me that, whatever may have been the force of *appearances* against me, I cannot but feel satisfied that the testimony upon your table will convince you of the correctness of my conduct, as set forth in my letter of the 4th of July to the Adjutant General, to every part of which, and to my correspondence and orders to which it refers, I desire the particular attention of the Court, as a part of this, my final vindication.

Mr. President: When last before the Court you notified me, whether with or without the concurrence of the Court I did not understand, that Major General Scott was *not considered my accuser*. I then endeavored to convince the Court, from a hasty reference to the official letters and reports of that officer, that he was in fact my accuser. I have since seen, in an article purporting to be the Defence of General Scott before this Court, a declaration that he is not my accuser. If this is true, sir, the letters bearing the signature of that officer, dated at Picolata, the 1st and 4th of March, with his letters dated the 9th and 14th of March, which I have seen before the Court, must be considered as forgeries; otherwise, the *receiver* of those letters, who authorized their publication, must be my accuser; for I can truly affirm that, during the long period of my service, I have never known an officer to be more palpably charged with crimes than the writer of those letters has seen fit to charge me. I therefore deem it to be due to the public service, and to my own reputation, aspersed by these accusations, to establish their authorship, whilst I prove them to be false and calumnious. The question between the *writer* and the *receiver*, I leave to be settled between them. The *writer* is in the power of the Court—the *receiver* is not.

In my letter of the 4th of July, 1836, addressed to the Adjutant General, I made the statement which follows:

"The Order No. 7 of the present year, requiring General Scott to repair to the left wing of my department, was never seen by me until my arrival at Fort King, the 22d of February. I state this fact simply because it is a *fact* hitherto, I apprehend, unknown at your office—but it is a fact to which I attach little or no importance. Had I received this order at Pensacola, I should have viewed it as a measure of the *Secretary of War*, taken with a full knowledge of the progress of the war upon that frontier, and of the circumstances which had rendered my movement to Florida proper; and that, therefore, my movement thither ought to continue until

I should feel assured that the President was apprized of all the material facts bearing upon the subject; and, more especially, until the officer authorized to enter upon that part of my command assigned to him, and which formed the principal theatre of the war, should make his appearance in person upon that theatre of the war—unless, indeed, my attention had been called to other, and apparently more important military operations, also *in actual war*, than those which called me to East Florida.

"This view of the subject is based upon an essential principle of military law, derived from the laws of nature, and incorporated in our institutions—a principle sustained by the ablest writers of all enlightened nations to whose works I have had access; a principle, without the strict observance of which, no nation, whose geographical limits exceed twenty miles square, could be successfully defended; a principle deeply interwoven with the highest attributes of *sovereignty* and of *self-government*—namely, *self-defence* and *self-preservation* as a nation or a state; or, in other words, *PROTECTION—IMMEDIATE, INSTANTANEOUS PROTECTION to the exposed feeble members of the community from savage war.* Yes, sir, *immediate, instantaneous protection* by the military officer intrusted with the command of the particular section of country threatened with savage attack—until relieved *before the enemy* by the new commander.

"Let us look into a few of the principal features of the case, in question, and see what would probably have been the effect of a contrary rule of conduct on my part. In command of the Western Department, I had met, at New Orleans, intelligence of a great and unlooked for disaster having occurred upon the left wing of my department, far distant from the seat of the Federal Government, from whence alone could I hope to receive new orders, or special instructions, more applicable to the case in all its bearings, than the orders of the President embraced in my commission to serve the United States diligently as a general officer—with the orders which he had given me TO COMMAND THE WESTERN DEPARTMENT. An important white settlement within my department was reported to be *OVERRUN, SACKED, and BURNED*; a U. S. agent of Indian affairs, and eight valuable officers, and ninety-eight faithful soldiers, with many worthy frontier citizens, killed, and their property stolen or destroyed; and I was aware that most of the neighboring military posts, namely, Forts Brooke, King, Drane, and Key West, all within my military department, were without any other works of defence than such as an efficient force of five hundred men might have taken and destroyed in a few hours, with little loss or risk on their part—the garrison of two of those posts (Fort King and Key West) being insufficient for their defence. I was, moreover, apprized that there were but about six hundred troops of the regular army at that time in Florida, and that these were separated by a wilderness, supposed to be occupied by the enemy, comprehending near twenty thousand square miles, extending near two hundred and fifty miles from north to south, and from one hundred and twenty to forty miles from east to west—with our six hundred regulars stationed at the opposite angles and sides of this extensive wilderness, without disposable force sufficient to ensure a concentration at any one important vulnerable point from one side of the wilderness in question to the other, without the most imminent danger of having such force destroyed in its movements to the point of concentration. The destruction of the brave but unfortunate Major Dade, with his heroic officers and men, affords an impressive lesson upon this view of the subject, which no prudent American soldier or citizen should ever lose sight of. Under these circumstances, what was the duty of the commander of the Western Department? What, I ask, was the proper

course for me to pursue? These questions may be most readily answered by asking another—What had I promised upon my oath to do? I had promised upon my oath, prescribed by law, 'to bear true faith and allegiance to the United States of America, and to serve them honestly and faithfully against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles of War.'

"I had with me my sword and my commission, with the orders of the President of the United States to *"command"* this department. Now it is well known that for me to command a military department, or any particular section of country upon the frontier, great or small, is, in a plain military sense, *so to order and employ the men and means confided to my direction as to protect our own people* of the United States upon that section of frontier, 'against their enemies or opposers whomsoever,' as set forth in the aforementioned oath; and if it be *in time of war, to continue so to command until duly relieved by the new commander—IN HIS OWN PROPER PERSON—and on the theatre of war.*

"In failing to comply with this sacred injunction, I well knew that I might thereby have suffered the enemy to kill great numbers of the citizens and troops, in addition to those already slain, within the limits of my command, and burn their houses, and take their property. It was my bounden duty, therefore, without waiting for new orders or special instructions, to collect together any disposable force found within my department, which I might deem sufficient to enable me promptly to strike at the enemy, and if possible subdue them, or check their devastations, until the President should have notice of them, and of my efforts to arrest them; and then give such new orders as he might think fit.

"But, it is contended, principally indeed by those who have proven themselves to be better qualified for the quiet vocation of a writing-desk than the turbulent scenes of an Indian war, that I ought to have abandoned the expedition at Pensacola, because I received, on my arrival at that city, your letter, notifying me—not that General Scott had actually arrived at the theatre of the war in Florida, but that he had been ordered thither by the Secretary of War! But little reflection is necessary to see the fallacy of this *closet-view* of the subject. I had embarked, pursuant to my letter of the 2d February, addressed 'to General Clinch, or the officer commanding the forces assembling on the northeast border of East Florida,' with a view to *co-operate* with that officer in subduing the enemy; I had moreover given a pledge to the principal force then with me—the Louisiana volunteers—that I would *not require them to go further than I would myself go, and that I would stand by them as long as they would stand by me, in bringing the war to an honorable close.* I had thus promised, on the 2d February, with a force of seven hundred men, so to co-operate; this force had been fortunately increased before the embarkation was effected to near one thousand one hundred men. With this very respectable force embarked, and in its movement for Tampa bay, and within two days' march (*by steam*) of that place, I received at Pensacola the *notification* from you that General Scott had been ordered by the Secretary of War to that part of my command to which I was, under the above-mentioned circumstances, destined. But what assurance could I have had that he was there? Did you notify me that he was at the post of honor assigned to him by the Secretary of War, or that such arrangements had been made as afforded reasonable ground to hope that General Scott *would be prepared soon* to breast the storm of savage desolation, and *protect* from the scalping-knife and fire-brand the helpless citizens of both sexes and of all ages in that region, who had looked to me as their

protector? Did you tell me that Ocala and his war-chiefs had given to the President satisfactory assurances that they would suspend their massacres and conflagrations until General Scott should complete his plan of operations, and be quite ready to subdue them? No such thing is found in your letter. Nor had I any reason, from the previous Northern or Western wilderness movements of that officer, to anticipate any thing like a prompt movement on his part into the wilds of Florida, longer than he should find himself and his forces and supplies propelled by steam power."

I repeat, sir, I had been notified, not that General Scott was there, but that he had been ordered thither; I was assured, not that Ocala and his ferocious chieftains and braves had promised to suspend their wonted havoc until General Scott should have full leisure to mature his plan of operations, and be quite ready to surround and annihilate the enemy; but was simply notified that this officer was ordered to extend his operations into my department, without regard to imaginary lines. It is here proper, and essential to my complete vindication, to advert to the well known fact, that, on a previous occasion, when General Scott was ordered into my department against the Black Hawk and his red warriors, that officer did not arrive at the theatre of the war until the enemy had been met and beaten by the gallant troops headed by the commander of the right wing of my department, now a member of this Court, seconded and sustained by another member of this Court, with Taylor of the United States army, and Dodge of the volunteers. Major General Scott, with his troops, did certainly move with very considerable rapidity from Albany, N. Y., to Chicago, at the southern extremity of Lake Michigan, as long as he was propelled by steam-power, but when this mighty power could no longer be rendered subservient to his movement, the General, with a large portion of his army, fell prostrate upon the threshold of the then theatre of the war, afflicted with disease, and mortified that they were thus deprived of the professional gratification of leading in the vigorous chase, and winning the honors of the victory which ensued. He arrived at the theatre of that war, not until after the enemy had been subdued, and in time only to perform the diplomatic duties assigned to him by the Secretary of War.

I was warranted; therefore, by his Northwestern tardy movements, and misfortunes, in the apprehension that the same officer might possibly be tardy and unfortunate while in quest of Southern laurels. But it was enough for me to know, as I did full well know, that, even had each one of us, with our troops, been blessed with the unerring means of flying rapidly as an eagle to the protection of the suffering frontier, it were better to "make assurance doubly sure," and for each of us thus to hasten our movements thither, than that any possible chance of a failure to afford timely protection should be hazarded; and hazarded, too, by uncalled for haste in my complying with a notification or suggestion like that which met me at Pensacola from Adjutant General Jones, requiring no immediate action on my part—a notification which was obviously written without any knowledge of the extraordinary circumstances and irrevocable arrangements which made it my duty to proceed to Florida, and to act with all possible effect in protecting the frontier inhabitants and subduing the enemy; until these circumstances and arrangements should be known to the Department of War, and other measures be taken there; or until I should meet with the officer authorized to relieve me; or, finally, until I should beat the enemy and force them to sue for peace, as I ultimately had the satisfaction to do, between the 27th of February and 6th of March, 1836, as the evidence upon your table abundantly proves; a fact to which I shall again advert somewhat more in detail.

General Scott left Washington for East Florida on the 22d of January. On the 2d of February he writes officially to Colonel Lindsay, and communicates his expectation of being in readiness to act decisively in East Florida by the 25th of that month. When I heard of his having been ordered to East Florida, I made a similar calculation, and confidently expected to meet him about, or before that time, upon the theatre of the war. I have shown to this Court my readiness and willingness to yield my command to him, or to co-operate with him—leaving the election entirely to himself—my sole purpose being to afford protection to the frontier, by acting immediately upon the enemy. If General Scott, in the full knowledge of his own resources, and with as ample authority as was ever furnished to any General in the field, was induced thus to anticipate the contemplated time of action in the enemy's country, my own expectations in respect to him can be regarded only as an evidence of my confidence in him, which his subsequent movements most lamentably disappointed, with no fault of mine. Had he fulfilled my expectations, our two forces might have united in a most solemn duty upon the battle-ground of the gallant and lamented Dade; for it was upon the 20th of February I performed the deeply-affecting duty of giving honorable interment to the bodies of our military brethren, sacrificed fifty-two days before, by an overwhelming band of savages; and having thus united our forces at that melancholy scene, we might at one have directed our march upon the enemy, and crushed him at a blow.

But to return to the actual movements of General Scott. He arrived at Picolata on the 21st of February, in advance of his troops, and in advance of his transportation for his army. On the 26th of February, he hears of my arrival at Fort King, and immediately writes to the War Department a denunciatory letter against me, formally reporting that my movement had thwarted his plan of campaign, and stating distinctly that his plan was to have marched upon the enemy on the 8th of March.

I will pause here, to call the attention of the Court to this formal annunciation of his plan, and the defeat of it by my movement, in order to connect with it, in the view of the Court, the several passages which I have caused to be spread upon the record, all taken from the original letters of General Scott, wherein that General over and over again, reports officially to the War Department, that, of his means of transportation, "not a horse or a mule has arrived"—"not a wagon, &c., has arrived"—"the steamboat Essayons, like every thing else left behind, has not arrived"—the South Carolina troops have not arrived; sometimes he writes, "they have not been heard of." Captain Wharton and his dragoons had not arrived. Certain troops, that had arrived, had refused to be mustered into service, and thus crippled him to such an extent that, finally, the strong necessity of the case compelled him to lean upon the brave Louisianians and regulars under my command; for, on the 6th of March, we find him still at Picolata, writing that, if the Louisiana troops, or those of General Gaines shall not be at Fort Drane, it will be indispensable for him to suspend his movements until the arrival of Captain Wharton. In his strong agony, General Scott, who had been directed to prosecute the war, and had authority to command into service men and means, was obliged formally to report that, unless the troops of General Gaines were at Fort Drane, it would become indispensable for him to await the arrival of Captain Wharton. I have caused to be placed upon your record the official report, showing that Captain Wharton did not reach Fort Drane until the 23d of March. Of course, by General Scott's own showing, he could not have marched upon the enemy until that date; and it is upon your record that he did actually

move within three days after it. So that, under no possible statement of facts, can it be made to appear that my movement delayed him over three days' time.

But, Mr. President, since I am upon this topic, I will proceed to show that he was not delayed, by my movement, even those three days. I refer you to General Scott's own letters, written from Fort Drane—they are upon your record—reporting officially his reasons for assigning the 25th of March for the movement of his division upon the Withlacoochee.

Among those reasons, General Scott dwells upon the necessity of fixing a day that late, in order to be certain that General Eustis and Colonel Lindsay would be in *position*. It is here to be remarked that General Scott's plan contemplated a simultaneous movement from Fort Drane from the north, Volusia from the east, and Tampa bay from the south. Hence, on a philosophical principle in determining the strength of a beam in architecture, that the weakest point in the beam is the measure of its strength—on the like principle, the slowest, most tardy, or most obstructed division of the three divisions of the army advancing upon the Withlacoochee, must necessarily have determined the whole movement. That division was not the right wing, at Fort Drane, into which my force had been merged, and which of course was the only one that could in any manner be delayed by my movement; but it was the left wing, at Volusia, under General Eustis; for, I refer to your record again, where you will find an official letter from General Eustis to General Scott, reporting his fear that, with all his efforts, he might not be able to reach Pelaklikaha before the 27th or 28th of March. In fact, Mr. President, he did not arrive *in position*, (I use a favorite term of General Scott,) he did not arrive in position at Pelaklikaha, until the 31st of March, where he should have been by the 27th of that month, in order to make a simultaneous movement upon the stronghold of the enemy with the other divisions of General Scott's army. Thus I have shown that, while my troops made an essential portion of the right wing of General Scott's grand army, without which that wing would have been the weakest of his three divisions, and altogether below the original design of General Scott, (owing to the disgust or defection of a certain portion of the Georgia volunteers, who refused to be mustered into service,) yet that wing could not have been delayed more than three days; but what still more strikingly illustrates the perverse and untiring efforts of General Scott to throw the responsibility of his delay upon my movement, I have shown that his left wing, that of General Eustis, at Volusia, (and the zeal and energy of General Eustis have often been eulogized by General Scott himself—see his report from Tampa bay,) the left wing, I repeat, was not able to get into position until the 31st of March; whereas the right wing, embracing my command, was actually on the Withlacoochee, under General Scott's orders on the 28th of that month. It is worthy of remark here, that General Scott, although he arrived as late as the 28th of March on the Withlacoochee, had appointed the 25th for leaving Fort Drane. But it seems it rained on the 25th, and the movement was deferred that day, possibly because the little steamboat *Essayons* was not there, with her comfortable cabin. It can hardly be urged that I caused it to rain on the day appointed for the march. The 25th being the day appointed for the movement, it may seem strange that the "right wing" did not reach the Withlacoochee until the evening of the 28th, a period of four days—the distance being less than thirty-five miles. Every previous movement between Fort Drane and the Withlacoochee had been accomplished in a day and half; but, as soon as General Scott presented himself in person, it requir-

ed four days (including the rainy 25th) to accomplish the same march; and this fact presents a tangible, palpable, undeniable instance of delay, that can in no manner be attributed to me or to my movement. With what pretence, or with what shadow of reason, then, can it be asserted that my movements delayed those of General Scott?

I refer the Court to the testimony of General Clinch upon this point, and I will return again to General Scott at Picolata; apologizing to the Court for having left him there so long, hastening, myself, into the enemy's country in advance of him—I can only plead the force of *habit*.

General Scott, as I have said, heard of my arrival at Fort King on the 26th of February, but made no movement from Picolata until the 9th day of March, although he had reported, from Augustine, his expectation of moving by the 20th of February; and although he had also reported that his plan of moving on the 8th of March had been thwarted by my march upon Fort King. Had he thus been ready, why did he not move? I had the men; he should have had the means. Had he been thus ready, it would have been a very simple matter to have left "in position" at Picolata a portion of his force, to be substituted by the troops of my immediate command, at Fort King or at the Withlacoochee, and, taking up his *means*, have rushed to the theatre of the war, there to co-operate with me, or take command of the troops, which I was always, from my first arrival in Florida, ready and willing to turn over to him, on finding him authorized and willing to employ them for the protection of the frontier and in subduing the enemy. Had he been thus ready for action, his duty was plain; if not, what can justify the perseverance in wrong exhibited by the entire absence from your record of all explanation on his part. In all that voluminous pile of papers upon your table he no where has shown the magnanimity to correct the false impression to which he vainly gave currency with the sanction of his official signature. But, Mr. President, I will return to Picolata. I really find it as difficult to remain there as General Scott did to get away from there. It was on the 1st of March that General Scott, still at Picolata, received my despatch from the Withlacoochee of the 29th of February, in which I suggest a co-operation from Fort Drane, in order to occupy both sides of the river at the same time—the enemy having shown so great facility in crossing that river, and requesting, as I did, a supply of 6,000 rations.

It is important for the Court to bear in mind that my despatch of the 29th of February was received by General Scott on the 2d of March; and also important to bear in mind that my despatch of the 28th of February, making precisely the same call for supplies as that of the 29th, was received by General Scott on the 1st of March. I now pass to the 9th of March, and I request the Judge Advocate to read the official letter of General Scott of that date, written between Picolata and Garey's ferry.

In the letter just now read General Scott declares he had not received any information of the operations on the Withlacoochee of a date later than the 29th of February, (referring to my despatch,) either *official* or *otherwise*. He goes on to state that, on the morning of the 9th, he heard of a certain rumor by a steamboat—a rumor by a steamboat!—which rumor he states was confirmed by letters received by him six hours later, and he refers to the letters. In order to ascertain the character of that *rumor*, I desire the Judge Advocate to read the two letters referred to by General Scott. They are from Major Lytle, paymaster of the army; a most gallant and distinguished volunteer aid-de-camp to General Clinch in the memorable fight of the 31st of December, 1835.

Mr. President, in neither of these letters is there any allusion to any rumor whatever. Major Lytle, with all possible business-like brevity, simply commu-

nicates to General Scott the fact that General Clinch, with the troops at Fort Drane, had gone down to the Withlacoochee to *escort* supplies of provisions and ammunition to General Gaines. The Court will not fail to remark that, in both letters, the same phraseology is used in allusion to General Clinch's movement. *He had gone down to escort supplies.* There is not one word about any matter foreign to that object, in confirmation of any rumor whatever; and in neither of these letters from Major Lytle, expressly referred to by General Scott, is there the remotest hint of necessity for a *rescue* on the Withlacoochee. Yet General Scott officially reported to the War Department that he is moving to the *rescue of General Gaines*; and, to convey an idea of the imminent danger of General Gaines, he reports that, of some 240 men ordered on from Picolata, "even that small force may arrive in time to render essential service."

I must stop here to remark that this letter from General Scott, together with others from the same source, was published, as I have recently understood, in all the principal newspapers in the country, and was calculated, if not expressly designed, to misrepresent my efforts to put an end to the war, and to heap calumny and disgrace upon me and the force under my command, as far as the reckless author and publisher had weight of character to give effect to their official calumnies.

This remarkable *rescue-letter*, I go on to observe, was written upon the receipt of two letters from Major Lytle, in which that officer reports, in the simplest manner, without hurry, without urgency, a movement of General Clinch in escort of supplies to General Gaines. But this is not all of Major Lytle's communications. He proceeds to inform General Scott that General Clinch expected to return by the 9th day of the month. In so simple and unsophisticated a light was that movement regarded by Major Lytle, and by General Clinch himself, that, without calling upon General Scott for aid of any sort, either of men or supplies, he communicates the expectation of General Clinch, that he would return to Fort Drane by the 9th of March—the very day of the writing by General Scott of the *rescue-letter*. At the very moment of writing that letter, so studiously worded to convey the idea of my being in danger, and of his, General Scott's, hastening, in defiance of his plans of campaign, to my *rescue*, had he honestly read the letters of Major Lytle, he would have seen that General Clinch was probably back again at Fort Drane with his escort, as he had expected to be on the 9th, and as, in point of fact, he was on the 11th of March. But this is not all—worse, much worse, remains to be told; for, on referring again to the letters of Major Lytle, it will be seen that, in a postscript, in a mere memorandum, so little importance did he attach to it, he refers to a third express having been received from General Gaines, but describes it as a mere copy of the previous despatch of the 28th of February. The Court will now see why I desired its attention to the fact that the despatch in question had been received by General Scott on the 1st of March. The very identical information upon which the *rescue-letter* was written, so far as it called upon General Scott for aid, had been received, as early as the 1st of March. But how was it acted upon at that time? This Court and my country shall see. I request the Judge Advocate to read the letters from General Scott to General Clinch of the 1st and 4th of March, 1836.

In these letters, the Court will not perceive any thing like *hastening to the rescue*. Very far from it. The truth is, General Scott, at this stage of the business, imagined he had it in his power, not indeed to starve me and my command *in my position* on the Withlacoochee, but to starve me *out of it*—calling me an *interloper*, and using, in connexion with my name, an expression of indignation. *His indignation!!*

"When Haman saw Mordecai in the king's gate, that he stood not up, nor moved for him, he was full of indignation against Mordecai."

My accuser, Major General Winfield Scott, commanded General Clinch to afford me no supplies, and prohibited his making any detachment to me. There are the evidences upon your table, in the hand-writing of General Scott. Let him escape from the consequences if he can. For the honor of my country I could wish it were possible; but, with every allowance that can be made, there must inevitably be in reserve a blank-leaf in the annals of war to be foully blotted with the story of that transaction.

I proceed. After attempting to starve me out of my position, and force me back upon Fort Drane—a movement that must have been fatal to the security of the then recently bleeding frontier of Florida—my accuser quietly waited, in security himself, at Picolata, from the 1st till the 9th of March, beyond all doubt hoping daily to hear of my disgrace, and not of the defeat of the Indians. On the 9th of the month, instead of hearing the long and anxiously-looked-for intelligence of my retreat, he received two letters from Major Lytle, reporting incidentally the information that had been received by him (General Scott) as early as the 1st of the month, without inducing the smallest effort at a rescue, with the addition that Clinch, in defiance of his orders, and, beyond all doubt, in contempt of them, had gone down—not with a force to the *rescue*, but in command of an *escort* with supplies; and, if need be, to fight his way to the position which he knew, and General Scott knew, from my despatch of the 29th of February, I had deemed it proper to maintain, where I could hold the enemy in check, and where I ultimately subdued them, and forced them to sue for peace. What could General Scott see in the movement of the noble-hearted Clinch, taken in contrast to his own heartless inactivity, but disgrace for himself? And how clearly does it prove the truth of my remarks to the officers of my command upon the Withlacoochee, which you have in evidence, that, in failing to move, upon the receipt of my despatch, *he could not but commit suicide upon his reputation!*

I have not introduced these letters and remarks for the purpose of throwing blame upon General Scott. That a deep and abiding odium must indeed attach to him, upon this showing of the case, is a necessary consequence, but not the object, of this exposition.

General Scott, by the letters here exhibited, had, and intended to have had, a powerful effect, not only upon my movement, but upon my reputation; and down to this day his reports and his showing have had almost exclusive possession of the public attention, excepting, indeed, upon the Southern and Southwestern frontier, where my conduct has been witnessed and approved.

But there is still another letter which must pass under my examination; and well would it have been for General Scott had he never written it.

I remained on the Withlacoochee until the 10th of March, and moved to Fort Drane on the 11th, where I remained until near 10 o'clock on the 14th. General Scott arrived at that place on the 13th with a mounted escort, having been four days in travelling 65 miles, moving, be it remembered, "*to the rescue of General Gaines.*"

I will here take occasion to contrast with his *rescue-march* of about 15 miles a day, the movement of an efficient officer in a recent case. During the past summer, Brevet Lieutenant Colonel Pierce, then a major, being at Garey's ferry, on Black creek, a point at a distance from Fort Drane the same as that of Picolata, (about 65 miles, as shown by one of the letters of Major Lytle,) received by express, at 10 o'clock at night, intelli-

gence of a movement of troops upon Fort Drane, and calling on him for supplies. This call was promptly met by Colonel Pierce. He mounted his horse; packed his supplies; paraded his small body of troops as an escort, and, at 2 o'clock in the morning, but four hours after the receipt of the express, he was on his way to Fort Drane, and, pushing on with all his ability, arrived there the following evening; having in two days accomplished the march, 65 miles, escorting at the time a baggage-train with supplies for the troops commanded by Governor Call. Will it be said that General Scott was without the means of transportation? Although much of that which he had ordered from Savannah had not arrived, yet the baggage-train of General Clinch from Fort Drane had reached Picolata on the 2d of March, the very day on which my despatch of the 29th February was received by General Scott at Picolata. The baggage-train was, however, there detained until the 6th of the month, when it was allowed to move slowly to Fort Drane, where it arrived on the 10th or 11th of March. Besides, some of his own wagons had arrived from Savannah, and there was a mounted corps of about 360 men then at Garey's ferry, every horse of which, in case of need, was available as a pack or draught animal. There must also have been in Picolata and the neighborhood some horses, mules, wagons, and carts within reach; and the town of St. Augustine was but eighteen miles distant.

The river St. John's, which is supposed to be near 3,000 yards wide at Picolata, may have been a little boisterous; but there was a steamboat at Picolata, and it is apparent, from the testimony of Captain Drane, that this small steamboat, (the *Essayons*), aided by a common ferry-boat, would cross with supplies in any state of the winds or weather. But it seems, from General Scott's statements in his letters before referred to, that he was satisfied with the plea that the river was rough and difficult to cross from the 2d to the 6th of March; and hence it was that, instead of my supplies being promptly forwarded by the baggage-train of General Clinch, its movement was suspended for four days' time, to enable General Scott to accomplish his *starving-scheme* of the 1st and 4th of March, and then to get up his *rescue-scheme*.

I come now to a new exhibition of the evil genius of General Scott, which I will take leave to designate his *sortie-scheme*. For this purpose, I request the Judge Advocate to read the official letter of General Scott to the Adjutant General, dated at Fort Drane the 14th March, 1836.

The Court must perceive in this letter the obvious spirit of the rescue-letter, exaggerated to an amazing enormity. In this letter General Scott, believing that he had access to the public through the habit of publishing official correspondence at Washington, availing himself of this advantage, misrepresenting the facts connected with my movement, and defaming, or attempting to defame, my public and military character—he deliberately states, and certifies that he has it upon good authority, that I had opened a communication with the Indians on the Withlacoochee; that the Indians were stipulating that the Withlacoochee should either be the temporary or permanent boundary between the red and white men, and he falsely records that, but for the timely arrival of General Clinch, he has no doubt General Gaines would have concluded a treaty upon one basis or the other; stating, moreover, that the Indians had taken a position in my rear to intercept my retreat upon Fort Drane.

General Scott wrote this *sortie-letter* at Fort Drane the 14th of March, where he had arrived on the 13th. From the time of his arrival until near 10 o'clock on the morning of the 14th, (the date of his letter,) all the officers who were at the council with the Indians upon the Withlacoochee were present at

Fort Drane, and entirely accessible to General Scott. He did not send for, nor consult, any one of those officers, but made the statement contained in his letter upon some carefully-concealed *anonymous* authority, which however he endorses. Of those officers who were at the council, you have, upon your record, the testimony of Captain Hitchcock, my acting inspector general, who had my immediate instructions in conducting the council on my part. You have also two letters from two of the other officers, in all material respects coincident with the testimony of Captain Hitchcock. The fourth officer, you have it in evidence, was not applied to for a statement, because his place of residence was not known; but Captain Thistle has sworn to the belief of that officer in the sincerity of the Indians.

The Court will pardon my dwelling a moment upon the extraordinary fact that General Scott, at Fort Drane, should have carefully avoided every known and acknowledged source of correct information upon the subject, and officially have given the sanction of his name to a statement utterly at variance with truth, and that statement not merely calculated or intended to degrade me individually, but to fix a stain upon the American arms. That General Scott could, by any force of prejudice, passion, envy, or disappointment, be induced to place on record in the archives of the War Department a statement calculated or designed to disgrace his profession and country in my person, without making the least exertion to obtain the truth from those only who were acquainted with it—I mean the officers at the council—is a most astonishing instance of folly and malice.

General Scott states that I opened the negotiation with the Indians. You have it on record, gentlemen of the Court, that the Indians, and not myself, opened the council. It was the Indians who sought the interview with me at Camp Izard, and the very first declaration they made was, that they did not wish to fight any more—that they had had fighting enough, and wanted to make peace. General Scott states that the Indians stipulated the possession of the country, on their part, with the Withlacoochee as a boundary. The evidence on your record is in positive contradiction to that statement. Not only did they not make such a stipulation, but you have it in evidence that they were told over and over again that they would be compelled to submit to the whites. Well knowing, as General Scott must have known, that the Indians in the rear of my camp were under the protection of a white flag, he makes no hesitation in asserting that those Indians had assumed a position there for the purpose of intercepting my retreat.

I will now pass from Fort Drane to this place, to show the perseverance by which General Scott, not satisfied with writing the letter of the 14th of March, comes before this Court, and voluntarily condescends to act over again that deliberate scheme of detraction.

General Scott has called before this Court, as a witness, a volunteer officer of my command on the Withlacoochee, who was not at the council, and could not, by any possibility, have been informed of the history of it in any other manner than by unauthenticated camp stories. This ignorant man, whose detail of unimportant particulars, carrying on their very face the evidence of their hearsay character, now encumbers your document, was permitted, I must think by some inadvertence of the Court, to place on the record his hearsay impressions of what passed at the council; and upon this slender foundation—this *shade of a shadow* of evidence, General Scott has been willing to build the fabric of an argument, when he had himself called before this Court, Captain Hitchcock, my acting inspector general, who conducted the council, and whose knowledge of what occurred must have been at least equal

to that of the volunteer officer, but who was not questioned by General Scott on that very important matter. It did not suit his purpose to place on the record the truth. Captain Hitchcock was here before the Court, and a sworn witness; a letter attributed to him, giving an account of what occurred at the council, was laid before the Court, and Captain Hitchcock, on being questioned on the points, answered that he wrote the letter, and that he was the staff officer alluded to in it, who conducted the council. With all this before General Scott, and knowing, as he did, that not a single fact stated in the letter (such as the rule of evidence) could legally be used as testimony unless sworn to, he failed to put a single question to the witness on the subject of the council.

If, in speaking of the letters of the 9th and 14th of March, I use language of a strong, indignant tone, I have no other apology to offer than the deep provocation arising out of the character of the letters themselves. The *starving-letters* of the 1st and 4th of March, addressed to General Clinch, though disgraceful in the highest degree, have not the peculiar atrocity which attaches to the rescue-letter of the 9th of March, and its *postscriptum* of the 14th of March. The *starving-letters* could only operate a temporary inconvenience, and, in fact, as they fell into the hands of a man like General Clinch, who despised them, they were powerless in their object, and the disgrace of their depravity must, of necessity, be visited upon their author. But the other letters, designed to work a disgrace upon the American arms, in my person, must, by the ordinary course of things, if not checked and marked as I mark them, work evil in one of two ways: either they would be published by the War Department, as the official despatches from a commander in the field usually are, and thus abuse and poison the public mind, certified to as they are by the official signature of the commander, and receiving additional strength from the channel through which they are given to the public, or they must be deposited in the archives of the Department of War, there to be covered up and concealed in their loathsome enormity, for a time, until death shall remove the innocent victim of their falsehood, when some curious searcher after materials for a history brings them to light, spreads them far and wide, and transmits them to posterity beyond the reach of contradiction or question.

In truth, one of the letters, that of the 9th of March, was published, as I understand, by the War Department and down to this day has been instrumental in spreading the poison of its falsehood. The other, possibly from its very enormity, was not published, and was in a fair way to take the other channel to posterity; and, but for the investigations of this Court, might have reached, uncontradicted, its destination.

Having shown, as I doubt not, to the satisfaction of the Court, that it was my right and my duty, under the deeply-afflictive circumstances of the case, (as the commander of the Western Department,) to collect together at New Orleans the force at my disposal, and make to General Clinch the solemn and irrevocable pledge contained in my letter of the 2d of February, 1836, to co-operate with him in subduing the enemy, and for that purpose to march to Fort Brooke, and thence to Fort King; and, in pursuance of my plan of operations announced to that meritorious officer in my letter of the 22d of February, "to search for the enemy until I should find them, and then **BEAT** them or be myself beaten," and to continue my operations against them whithersoever they might go until I should subdue them, or until I should find General Scott at the theatre of the war, the only proper place for him to relieve me, or if he preferred it, to co-operate with me; and that it was my right and my duty to avail myself of whatever

supplies and force I could find within the limits of my department; it remains for me to show that, when so reinforced and replenished, it was my right and my duty to continue my movement to the Withlacoochee; and, on meeting at that place the enemy's principal force, to fight them precisely as I did, according to my own plan and my own judgment, in the best possible way to subdue them effectually, and at the least possible risk of dispersing them, until the arrival of supplies and mounted force from Fort Drane, and to subdue them without the useless sacrifice of my troops, who were always more than willing to encounter every privation of food and rest, and every danger.

Mr. President, I affirm that there was no law, order, or regulation, tending to restrict me in the full and perfect right of meeting the enemy in the manner I met them at the Withlacoochee. The evidence of Colonel Twiggs, the efficient commander of the "light brigade," General (acting Colonel) Smith, who would do honor to the command of any corps in the regular service, Captain Hitchcock, my excellent acting inspector general, and Captain McCall, my long-trying and faithful aid-de-camp, officers who have proven themselves to possess a high grade of moral courage, and talents, and efficiency, (whose statements are in every material point in accordance with the recollections of every other intelligent officer with me on the campaign, whose impressions were known to me,) concur in the fact that, in every conflict I had with the Indians I effected the object in view.

In the first affair (on the 27th of February) I had ordered my rear-guard and baggage-train to halt at the nearest open plain adjacent to the river-hammock, and within 400 or 500 yards of the river, at General Clinch's crossing place. My object was to examine the place, and then encamp for the night upon the open plain, where I had left my rear-guard and baggage. The river was examined and found unfordable, when the action commenced. The river action continued across the river, where it was but 25 to 30 yards wide, for some 30 to 40 minutes, and until the enemy's slackened fire proved that they had principally retired from the conflict. The fight was without a breastwork. The next day's conflict took place about two and a half miles lower down the river, at a more convenient point for crossing. This fight also took place without a breastwork. Here I deemed it proper to prepare canoes and other means for crossing. These preparations could not be completed until the 29th of February, when I found undoubted evidence of the fact, which I had reason on the 28th to suspect, that I had before me the principal force of the enemy, consisting, as I then believed, and as I do still believe, of near fifteen hundred Indian and black warriors. It has been vaguely surmised by my accuser, who, at the time of the several conflicts, was then at Picolata, that the principal force of the enemy was not before me at or near Camp Izard. The principal and most intelligent officers of my command concurred with me in opinion, (see the testimony of Colonel Twiggs, General Smith, Captain Hitchcock, and Captain McCall;) and upon this point permit me to ask, if the principal force of the enemy was not before me on the 29th of February, where is a shadow of proof to be found that any considerable portion of the enemy was on that day, or for weeks after that time, at any other place than the Cove or Withlacoochee swamps, near Camp Izard?

I then deemed it proper, as stated in my communication to General Clinch, to await the arrival of that officer to General Scott, with mounted force and supplies, as I felt convinced that these officers would gladly hasten to the theatre of action, having a few days previously seen a letter in the hands of General Clinch, written by General Scott, expressing a wish to know where the principal force of the enemy

could be found. I could not doubt that, as he had arrived safely at Picolata, the termination of steam navigation, and but two days' ride distant, he would come promptly to the place, where I was convinced that, with the aid of a small corps of mounted men, either of us could have put an end to the war before the 20th of March. My "Order No. 7," of the 9th of March, gives a concise outline of the result of my operations. Compare that "Order" with the testimony to which I have referred, and you cannot fail to find the facts, which I have in that order stated, fully and completely established; that, with the chivalric Louisianians under General Smith, the brave infantry and artillery under Colonel Foster and Major Belton, the whole forming the "light brigade" under Colonel, acting Brigadier, Twiggs, I did "*subdue the enemy, and did force them to sue for peace.*"

But this honorable Court is told—as the War Department and the People of this nation have been told through a thousand channels, (as corrupt as the spirit of party could render them)—that the enemy could not be sincere in their admission that they were tired of fighting, and that they wished to make peace: and for why? Because, forsooth, the alleged beating and suing for peace was accomplished without my having made a sortie!—and that Major General Winfield Scott said so!!

The word *sortie* appears to have had in it for General Scott a singular charm. He had seen my letter of the 29th of February, stating that *I had abstained and should abstain from a sortie*, until I heard from him or General Clinch. He appears thus to have taken up the idea of a sortie; and, instead of reasoning as I did, and as every man of sound principles and military mind would, he endeavors to torture it into an accusation against me. Who authorized General Scott to animadvert upon my measures in the command of my department? Mr. President, do you, does the Court know of any law or authority by which that officer could properly interfere with me, or himself sit in judgment upon my conduct? No such authority ever existed. He was never authorized to command me. He was authorized to extend his operations into my department; and it is in proof before this Court that I was ready and willing to place under his command the forces near me, whenever he appeared in person, ready and willing to command those forces; but I knew too well what was due to them, the frontier, the service, and my own reputation, to abandon them before the enemy, merely upon the receipt of a report that he was *ordered on* to take charge of the war, when I had also learned, that he had halted for some ten or twelve days, sixty miles from my department. This Court is in possession of the first and only authority ever given to any officer or tribunal to call in question or animadvert upon my conduct in relation to the Seminole war. This Court possesses the precise power comprehended in the orders given by the President, to inquire into the causes of the failure of the campaigns against the Seminole Indians.

Mr. President: Your powers in reference to my movements in East Florida hath this extent—no more. If you find that, by any *omission*, or by any *act* of mine, a *failure* ensued in any one of the campaigns against the Seminole Indians in the year 1836, it is your duty to mark and to animadvert on such act or omission. But even this Court has no right to animadvert on, or object to any such omission as that which General Scott has thus condemned, namely, the omission to make a *sortie*, unless, indeed, this Court can upon its oath say, in the spirit of the order, that such omission to make a *sortie tended in some way to occasion a failure*. But, when it is obvious from the testimony upon your table a sortie would have been attended with no possible benefit to the service, and that it might, on the contrary, have contributed to disperse the enemy, whilst the denounced act of omission was followed by irrefra-

gable evidence that the enemy were subdued and sued for peace, I cannot but anticipate the expression of an opinion by this Court approving my conduct, and awarding to my accuser the marked rebuke which his numerous vindictive accusations, in his several letters and orders upon the subject, so loudly call for. It is obvious, from the labored and long-continued efforts of General Scott to distort the facts connected with my measures on the Withlacoochee, that he must have felt convinced that nothing short of my conviction of some great error or misconduct could save him from inevitable disgrace. Hence it was that, after making use of the most glaring and clumsy pretexts to get up the starving-scheme of the 1st and 4th of March, and then his rescue-scheme of the 9th of March—after exhausting his powers in vain to prevent General Clinch from furnishing me with supplies, the *sortie-scheme* was devised and put forth with a zeal and a perseverance which, if properly applied to preparatory measures and movements against the enemy during the month of February and first five days of March, would probably have contributed to enable that officer to relieve me, and appropriate to himself the honors of subduing the enemy, and forcing them, as I did, to sue for peace.

Had General Scott arrived at Camp Izard at 9 o'clock on the night of the 5th of March, attended only by his staff or a corporal's guard, and an hour after his arrival the *black herald* of the enemy had announced to him, as in point of fact he did to me, that *the Indians did not want to fight any more, and desired to come in on the next morning and shake hands and make peace*; and had their chiefs the next morning approached the camp with a white flag and stated to General Scott, as they did to me, that they were tired of fighting, and having had many of their warriors killed and others disabled by wounds, and therefore wished to make peace and fight no more—can this honorable Court doubt but that General Scott's *modesty* would have yielded to such an appeal? Can it be doubted that General Scott would, in so trying an emergency, have argued himself into the conclusion that *his* arrival in camp had electrified the savage foe, and induced them to sue to him for peace? Extravagant as such a conclusion would certainly have been, under all the circumstances of the case, it would have been viewed by me as a very trivial fault compared with the atrocious fraud and perfidy practised by that officer upon his Government and country, the army and myself, and, though last not least in point of atrocity, upon the deceived and miserable Indians: first, by a false and malicious statement, in his letter to the Adjutant General of the 14th of March, [see page 602;] and, secondly, disregarding my arrangements with the Indians, and vainly attempting to get up an exterminating war against them.

THE STARVING-LETTER OF MARCH 1, 1836.

Gen. Scott to Gen. Clinch, (doc. No. 60,) dated
"PICOLATA, March 1, 1836,

"By the arrival, at daylight this morning, of the express from Fort Drane, I have your note of yesterday's date, accompanied by a letter to you from Major General Gaines, dated the day before.

"I regret, in every point of view, the premature and unauthorized movement from Tampa bay, made by that General, and the very awkward and responsible position he has placed himself in by his subsequent march from Fort King. I presume that, as instructed, you sent him my Order No. 4, dated the 26th ultimo. By that he saw that if the troops he brought with him from Tampa bay could not be subsisted at Fort King, by means of supplies derived from this place, through the Ochlawaha, it was expressly commanded that the column should march to Volusia without delay, where subsistence in abundance would be immediately provided. But he had,

before that order reached him, taken from Fort Drane a large part of the subsistence relied upon for a more systematic course of operations, and *decamped*. The order, however, I take it for granted, was sent after him, and in time to reach him within twenty miles of Fort King. In any event, the responsibility of his movements, and actual position, is his own; for he must have known, as early as the 10th ultimo, if not before, that I had been charged with the general direction of the war in Florida, and that, by interfering, he constituted himself an *interloper*.

"Even if you had sufficient stores on hand, and means of transportation, I should, under the circumstances, command you to send no subsistence to him unless to prevent starvation; but you have neither. Let him, therefore, in time, extricate himself from the embarrassment he has placed himself in by marching upon Volusia,* where I have no reason to doubt that 20,000 rations, sent hence on the 27th ultimo, have safely arrived. As he appears to have a retreat open to him, or is in no peril to prevent his taking that step, you, of course, will make no detachment or movement to join him.†

"The train you have ordered hither is expected to night: as yet, we have here but few wagons to add to your numbers. The whole train shall be immediately loaded with subsistence and sent back to Fort Drane. I have only time to say that, should the troops under Major General Gaines be compelled to march back to Fort King, or to Fort Drane, instead of proceeding to Volusia, as heretofore commanded, and as I still wish that they should do, on account of the extreme difficulty of sending subsistence to your neighborhood, you will only issue rations to them for their current subsistence, and not for further false expeditions.

"As the first consequence of the arrival of the troops from Tampa bay to Fort King, and the demand upon Fort Drane for subsistence, I was obliged to order back a battalion of Georgia volunteers, that had then been nearly two days in route to join you.

"The company of mounted men from the same State, now on the opposite side of the river, refuse to be mustered into service, and refuse to come under the rules and articles of war. The other companies of the same battalion may follow their example; if the do, I shall lose no time in ordering the whole back to their homes.‡

"Major Gates, with his three companies, has not arrived, and I have no intelligence respecting the United States dragoons, of a recent date. Finally, the horses for some days expected for Savannah have not arrived. These embarrassments may detain me here I know not how long.

"The left wing is moving upon Volusia with system and success. The South Carolina foot constitutes the advance, and I suppose the mounted regiment from the same State is now crossing the St. John's at Jacksonville.

"Send another copy of my Order No. 4 to Major General Gaines, and a copy of Order No. 1, which is enclosed for the purpose. The former is reiterated so far as respects the march to Volusia, if this be practicable; and enclose him a certified copy of this letter for his government and your justification.

"I remain, in haste,

"Your obedient servant,

"WINFIELD SCOTT.

* This move would give the Indians the uninterrupted control of the frontier of Middle Florida. E. P. G.

† Supplies could not be sent to me without the detachment or movement here forbidden. E. P. G.

‡ And yet, whilst the troops near him are refusing to serve, he is giving orders for the troops in the field to be starved! E. P. G.

§ This is protecting the frontier, with a vengeance. E. P. G.

"P. S. I am instructed by Major General Scott to say that the quartermaster's return did not accompany your letter of the 27th ultimo. No return has been received of your ordnance, or ordnance stores, particularly the fixed ammunition for muskets. Please to send one.

"Respectfully,

"A. VAN BUREN,
"Aid-de-camp."

THE STARVING-LETTER OF MARCH 4, 1836.

Gen. Scott to Gen. Clinch, (doc. No. 69,) dated

"PICOLATA, March 4, 1836.

"I still presume that Major General Gaines will be obliged to fall back to Fort Drane, which increases my anxiety to send the wagons (with some additions) loaded. I would prefer much that the force brought with him was back at Tampa bay, or rather, that it had not marched from that place; *provided* that the movement fails to crush the enemy, or to terminate the war. *The worst result, next to the loss of that fine body of men, or a third of it, would be mere success in driving the enemy into the lower country, where I suppose it would be almost impossible for us to follow—I mean below the waters of Charlotte harbor. Hence my indignation* that an isolated attack should have been made from your vicinity, well calculated to produce that result, and at a time when you knew, and Major General Gaines must have known, through you, (and before,) that my plan, with ample means, was to move simultaneously upon the Withlacoochee, in three columns, from Tampa bay, the upper crossing on the Ochlawaha, and Fort Drane—so as to make it impossible for the enemy to escape to the lower country.

"I have not yet supposed that Major General Gaines has not his retreat upon Fort Drane or King perfectly in his power. On account of subsistence, if he can cut his way through the enemy to Tampa bay, I should much prefer that his force should be there; and when I wished him to march or send that force to Volusia, it was because it could be infinitely more easily subsisted there than at Fort Drane. Should he, however, be in any difficulty in operating a retreat from the Withlacoochee, I certainly wish you to afford any succors that the slender means within your reach may allow; and this, doubtless, you would render without any special permission to that effect. If the force return to Fort Drane or King, it must be sustained for at least five or six days from the means derived from this place; and hence, I *now* prefer that it should become a part of the right wing rather than take that quantity of subsistence from you, and march back to Tampa bay."

Gen. Scott to the Adj. Gen'l (doc. No. 68,) dated

"PICOLATA, March 6, 1836.

"I at length know that the South Carolina mounted regiment reached Jacksonville yesterday. It is destined to make part of the left wing.

"Besides, Brigadier General Eustis has necessarily been compelled to wait for the South Carolina mounted regiment, which cannot reach St. Augustine before the day after to-morrow, and Volusia before the 12th.

"If the column under Major General Gaines had fallen back upon Fort Drane or King, the right wing would have wanted nothing but subsistence, and the forces now in this vicinity, and known to be coming up, to act with vigor and effect.

"To add to my numerous vexations, the wagons reported to have been shipped at Baltimore in the Arctic have been left behind.

"I send no more troops, for the present, to Fort Drane, on account of the difficulty of subsisting them there. *If Major General Gaines shall not fall back on that point, it will be indispensable to wait for Captain Wharton.*"

Aid-de-camp Van Buren to the Adjutant General, (doc. No. 97,) dated

FORT DRANE, March 25, 1836.

"Captain Wharton, with his detachment of dragoons, reached this the day before yesterday."

GENERAL SCOTT'S RESCUE-LETTER, MARCH 9, 1836.

General Scott to the Adjutant General, (document No. 71,) dated

"BETWEEN PICOLATA AND GAREY'S FERRY,

March 9, 1836.

"I have just set out for Fort Drane, via Garey's ferry, on Black creek, with two companies of regulars, and intending to take with me, from the latter place, the small battalion of mounted Georgians, (heretofore mentioned,) under the command of Major Douglass. Lieutenant Colonel Bankhead is at the head of the first detachment, and the two, together, may make a total of about 240; but even this small force may be important to rescue Major General Gaines.

"I had not received the slightest information of the operations on the Withlacoochee (official or otherwise) of a later date than the 29th ultimo, up to this morning, and had concluded that he had effected his march, with more or less success against the enemy, upon Tampa bay, when, at day-light, the steamer that I am now in arrived and brought the rumor, which is confirmed by the two accompanying notes from Paymaster Lytle, received about six hours afterwards. On the reception of the rumor, I immediately commenced preparations for this movement; but, being delayed by the necessity of unlading and relading the boat, I am now at anchor at the mouth of Black creek. I hope to put the troops in march, from Garey's ferry, early in the day to-morrow, and to reach Fort Drane with a small escort the day following. It is possible that even these little detachments of horse and foot may reach the Withlacoochee in time to render a valuable service.

"I am aware that the movement I am making may be condemned, if regarded in any other light than a rescue, as premature. Colonel Goodwyn's mounted regiment only arrived at St. Augustine last night, and this morning, and consequently the left wing cannot be in force on the Ochlawaha, in the direction of Pelaklikaha, earlier than the 17th, or with the enemy before the 20th instant. Colonel Lindsay, who may have already arrived at Tampa bay, cannot operate more than two days' march from that place, from the want of the means of transportation.* Major General Gaines having taken away the horses which were there, and the basis of the right wing is merged in the force brought by that General into the field, and must participate in his success or failure. If it falls back with him upon Fort Drane, it must suffer great loss; and, if it follow him to Tampa bay, it will be wholly out of position.

"In this, and even a greater state of uncertainty, I have been held since the 26th ultimo. The day after I ordered back Major Cooper's battalion of Georgia foot, to prevent starvation at Fort Drane; and though daily, from that time, in the expectation of receiving from Savannah horses and serviceable wagons, not one has arrived. The quantity of subsistence that will be at Fort Drane (say) to-morrow, will only be that sent from Picolata on the 6th instant, viz: 17,497 rations of bread and flour, 11,000 rations of pork, (with beef and cattle in the neighborhood;) 80,000 rations of beans, some coffee, vinegar, &c. And the troops now about to proceed, perhaps as far as the Withlacoochee, will not have the

means of taking with them rations for more than six days.

"I beg leave to recapitulate the causes of my great deficiency in the means of transportation:

"1. The wagons and horses, which I knew Brigadier General Clinch to possess early in February, have been more broken down by hard service and bad roads than I had expected to find them.

"2. I had, upon what was considered in Georgia, and even in Picolata, the best information, confidently relied upon the use of the Ochlawaha as late as the 2d instant.

"3. No bacon has arrived, and the difference between it and pork, including wood and brine, is fifty per centum against the latter.*

"4. The wagons purchased at Charleston and Augusta, by Assistant Quartermasters L'Engle and Peyton, are generally poor, and many of them unserviceable.

"5. The six or ten wagons actually reported to have been shipped at Baltimore in, I think, the Arctic, with Major Gates, were all left behind.

"6. Of the 19,000† rations known to be at Fort Drane, about the 25th ultimo, nearly the whole have been drawn by a force not expected by the Government or myself to appear in that quarter.

"And, 7. Not a horse for the baggage-train left by me at Savannah, or which I have since ordered to be purchased by Assistant Quartermaster Dimmock, has arrived in Florida.

"On the 21st ultimo, when I was but twenty hours from Savannah, I sent back, by a steamer that was met, an order to Lieutenant Dimmock to ship about 50 horses for the baggage train to Picolata. This order was strongly reiterated by a return steamer five days afterwards; and again, on the 2d instant, by another boat, he was instructed to send immediately, and by the speediest conveyance, 70 horses for the train, and six four-horse wagons. I had this morning a report from him, saying, after he had received my first and second orders, that he had sent all the horses wanted for draughts and packs by land, except a few which were to come as packs, with Captain Wharton. Now, as the latter was about 24 days in New York, after receiving orders for Florida, and expected to remain 10 in Savannah, he cannot be looked for in this neighborhood before the 18th or 20th instant. The other parts of the lot were, it seems, given as packs to the tenth company of South Carolina mounted men, and sent forward in a drove. They must, it is feared, arrive in a state unfit for the baggage-train (say) about the 6th instant. Such has been the failure of human agents. The weather has been equally adverse.

"If the force on the Withlacoochee should fall back on Fort Drane, it will be seen from the foregoing, that a part, at least, must probably march upon Volusia or Garey's ferry, to be within reach of subsistence. Instructions have been left behind me to send forward rations, should the means of transportation arrive in time, and the troops already in the neighborhood of Picolata—Major Cooper's and the remaining company of Major Gates's battalion. I have also desired Brigadier General Eustis, in the same event, to order to Fort Drane two companies of mounted men of Colonel Goodwyn's regiment, and a fourth order will go back in this boat to Lieutenant Dimmock on the subject of horses and wagons.

"Some rifles and the tents arrived this morning at Picolata; but Colonel Goodwyn had marched through six or eight storms without cover, and now all companies in march are to be reduced to three tents each."

* See the testimony of Lieutenant Morris, by which it will be found that Colonel Lindsay found near ten times as much transportation at Tampa bay as that which General Gaines found there.

E. P. G.

* This statement is untrue. Pork and flour is a safer and more portable subsistence for a march in the wilderness than bacon and hard bread.

E. P. G.

† I took less than 12,000 complete rations.

E. P. G.

"P. S. Please to remark that, in his letter to Brigadier General Clinch, dated at New Orleans the 2d ultimo, Major General Gaines speaks of '*an efficient co-operation*;' promises to be 'in readiness at Tampa bay by the 8th' of the present month, to form a junction at or near that place with the force under your command, whenever, *and as soon as*, in your judgment, *your force shall be sufficient to justify the movement*;' and concludes by saying, 'a sufficient quantity of ammunition and provisions have been transported Fort Brooke to divide with you until further supplies are received;' yet he did not wait till the brigadier gave notice that he was 'in force;' came to Fort King, and swept nearly the whole of the subsistence† collected at Fort Drane. A copy of that letter is in your office, and I now enclose one from Governor Eaton, from which it will appear that Major General Gaines knew, at Tampa bay, about the 14th ultimo, that I had been charged with the direction of this war. He first heard this at Pensacola, and received Governor Eaton's despatch at Tampa, as I can establish. Hence his haste, and neglect of the assurance given to Brigadier General Clinch;‡ his isolated attack, &c."

PAYMASTER LYTLE'S LETTERS OF THE 5TH AND 8TH MARCH, 1836.

Paymaster Lytle to General Scott, (document No. 72,) dated

"FORT DRANE, March 5, 1836.

"I have been directed by General Clinch to inform you that your communications of yesterday's date reached him at this post after he had mounted his horse, and was on the move, with the forces under his command, to escort supplies to General Gaines. He directed me likewise to say to you that the distance from this post to Garey's, (on Black creek,) is about the same distance from here to Picolata. As you wish, however, to obtain all the information possible on the subject, I will take the liberty of adding, from my own knowledge, that the road from Garey's to this place is *sandy*, consequently, almost invariably dry; while the road from Picolata here is muddy after heavy rains, particularly such as we have just experienced.

"Colonel Gadsden arrived here from Tallahassee on the 4th, (yesterday,) and accompanied General Clinch this morning to the Withlacoochee."

From the same to the same, (doc. No. 72,) dated

"FORT DRANE, March 8, 1836.

"By direction of General Clinch, I opened your communication of the 6th instant, which arrived late last night, in advance of the wagons. You will perceive, by my letter of the 5th, that General Clinch, with all the forces at this post, and 100 mounted men from the vicinity, had left for Withlacoochee, to escort a supply of cattle, ammunition, &c. to General Gaines, having received, the night before, a third address from that officer. No word has been received from either of these Generals since the 5th. When General Clinch left here, he expected to be back on the 9th.

"The probability is, that the wagons will return without an escort, there being at present no troops here; and, should General Clinch get back before the wagons depart, his men may be too much fatigued to march again immediately; but this, of course, is merely conjecture. I am satisfied, however, that General Clinch would advise that an escort

* I entered Tampa bay on the 9th of February, 1826.
E. P. G.

† The subsistence belonged to my department.

E. P. G.

‡ To co-operate efficiently is to search for the enemy, and also to search for the force with whom we propose a co-operation. I did both. General Scott ought to have done the same.
E. P. G.

accompany the wagons back to this place, when reloaded. Captain Graham, being directed by General Clinch to send back the wagons for supplies after their arrival here, will send them to Garey's, it being the best road.

"N. B. The amount of General Gaines's last express to General Clinch, dated 3d instant, was merely copies of his previous letters, with a note stating that the Indians were still around them; but little or no fighting taken place since his last communication."

GENERAL SCOTT'S SORTIE-LETTER OF MARCH 14, 1836.

General Scott to the Adjutant General, (document No. 77,) dated

"FORT DRANE, March 14, 1836.

"On my arrival here, I found that the force which had been upon the Withlacoochee had fallen back on this vicinity.

"Brigadier General Clinch, with some means of subsistence, and about 600 men, (of whom 150 were mounted Floridians,) joined Major General Gaines on the 6th instant. The force under the latter had already been reduced to the necessity of commencing on horses and dogs for their subsistence. After receiving that timely and important succor, the army remained in position until the 10th.

"It may be remarked that, from the time of entrance into the intrenched camp, up to the retreat in this direction, not a sortie was attempted; and that, to save the pride of the higher officer, the command was relinquished to the next in rank, in order that he might give the order to retreat."

"A copy of Major General Gaines's order, yielding the immediate command of their joint forces to Brigadier General Clinch, is enclosed. This extraordinary paper I have but little time to comment upon. The poor sneer against me, as the *diplomatic agent of the War Department*, is in character with all his recent acts, for, at the moment of succor on the 6th, he had already opened a negotiation with the enemy,* in which, it is said, on good authority, that he was willing to leave them in the quiet possession of the country below the Withlacoochee until the arrival of the 'diplomatic agent;' but in which Powell insisted that that river should be the perpetual boundary between us and the Seminoles. But for Brigadier General Clinch, I have no doubt that some treaty on the one or the other basis would have been formed between the parties;† he alleged the positive instructions of the War Department against all negotiations, and he enabled Major General Gaines to save the original force with him. Not a sortie was made from the intrenched camp, from the time of its formation up to the retreat; and on the approach of the succor, a large detachment of the enemy had taken a position to intercept the retreat in this direction.‡ How, under such circumstances, it can be alleged that the enemy has been beaten, it would be difficult to reconcile with facts.

"I have reason to hope that the enemy remain nearly in the same position as before the isolated, and, therefore, false movement of Major General Gaines. This is fortunate.

"I have instructed Brigadier General Eustis, after scouring the country through which he will have to pass to some extent, to place his column in position somewhere in the neighborhood of Pelaklikaha about the 25th instant. Colonel Lindsay, by the same day, is to be with his force at Chickuchatty, (about two marches from Tampa,) and means are

* See the testimony of Captain Hitchcock, General Smith, Colonel Twiggs, and Captain McCall, proving this to be false.
E. P. G.

† See the testimony of General Smith, Colonel Twiggs, Captain Hitchcock, and Captain McCall, proving this to be false.
E. P. G.

suggested to each in order to multiply the chances of communicating with each other.

"The right wing will move hence (say) on the 24th instant to attack in front. This column will pass the Withlacoochee about half a mile below the late intrenched camp, where there is a good ford, and of which Major General Gaines might have availed himself, if he had had the strength or inclination."*

Mr. President, let us look into the subject of *sorties* or *sallies*, and see what objects are usually attained or sought for in making them. The first, is to force the enemy to *abandon the siege* or otherwise to beat them. Secondly, to *retard and embarrass their approaches*, by driving their guards and working-parties from their *trenches*, in order, if practicable, to prevent or otherwise to delay the completion of their trenches, and thus to prevent or put off as long as possible the *apprehended evil hour of a breach or an assault*. I was particularly desirous to abstain from forcing the enemy to abandon their supposed siege, as will appear from my letter of the 29th of February, lest I should disperse the enemy: and I am sure nothing could have been more gratifying to me, and to every officer and soldier with me, volunteer and regular, than for the enemy to have opened trenches and *attempted a breach or an assault*. Whilst I abstained from a sortie, every Indian that approached in view of my breast-work did it at his peril; whereas, by making a sortie, the Indians could escape to their ambuscades in the thick hammock in two or three minutes' time. Under these circumstances, nothing short of the extreme of folly, or a disposition to trifle with the most important duties of the service, could have prompted me to make a general sortie without an object—such as the arrival of troops or expresses, as Colonel Lindsay's brigade from Tampa bay, or that of General Scott or General Clinch, or other troops from Fort Drane or King—until I should have it in my power, by the aid of mounted men, with supplies, to continue the sortie or sally for some days in succession, until I should have had it in my power to scour the the Withlacoochee swamps, and give a good account of the place called *The Cove*. To speak seriously of any other description of *sorties* or *sallies* in an Indian war, is to me something worse than absurd. It will be seen by the testimony of several officers with me, including my staff, that orders were given for the troops to be held in readiness for a sortie on the happening of any contingency, such as those just now alluded to, to justify the measure. Small parties of from 50 to 120 woodsmen and sharpshooters were often permitted to look after the enemy for a short distance up and down the river. It is proof before this Court, that a party of this description, composed of the companies of Captain Burt and Captain Thistle, consisting of volunteers and regulars, was out some 200 to 400 yards from camp during the action of the 29th of February, and were engaged in action with a large party of Indians (from 350 to 400, as Captain Thistle believes) on the opposite side of the river. The conflict continued across the river, with some short intervals, for about two hours. Captain Kerr, Lieutenant Grayson, and other officers of volunteers and regulars, were frequently out and employed in firing at the enemy across the river.

But, since the Court has been pleased so far to tolerate General Scott's accusations, in reference to a sortie, as to make it the subject of special interrogatories to several of the witnesses, I have been disposed, so far from attempting to throw any impediment in the way of a full and free inquiry into all the bearings and probable tendencies of sorties or sallies, to extend the inquiry still further than my position at Camp Izard, as will be seen by my inter-

rogatories to General Smith, the accomplished commander of the Louisiana volunteers, to Captain Drane, a most efficient and experienced officer, and Lieutenant Mitchell, a young officer of great promise, with their answers. By the testimony of these very respectable witnesses, called before this Court by my accuser, it will be seen how far General Scott himself carried out, in *honest matter-of-fact practice*, the theories with which he had been attempting to edify the War Department and the newspaper press of our country upon the subject of sorties.

Mr. President: The testimony of the witnesses last mentioned proves clearly that General Scott's practice was not in accordance with his theories. Sir, that officer, with over 2,000 men, as gallant troops as either of us ever commanded, and an outfit sufficient for at least fifteen days' good service, hurried across the Withlacoochee, and thence to Tampa bay, without devoting more than one day to what any officer acquainted with his duty would have deemed the great and leading object of the campaign, namely, an examination of the *Big Cove Swamp*. Captain Drane testifies that that swamp, from 15 to 20 miles in width, was penetrated by a part of the force under General Scott but two and a half miles! General Smith estimated the distance at four and a half miles. My accuser, who had written so eloquently to *nullify* every measure of mine at the Withlacoochee, and to prove that the Indians could not have been *beaten* without a *sortie*, and that they could not be *sincere in suing for peace* without a *sortie*—this same General devoted but one day to the great duty of "*searching for the Indians*" where he could have had any reasonable ground to calculate on "*finding them*." He could not find them because he would not take time to search for them in the cove swamp, where, it is in proof upon your record, they have been residing, with their families, for the most part of the time since the 6th of March, the day on which they sued for peace. The Big Cove swamp, 15 to 20 miles in width and near 60 miles in circumference, was penetrated along a large path (exhibiting evidence of recent footsteps of the Indians, adults and children) but four and a half miles. The dismal aspect of that swamp probably contributed to give to my accuser the first really impressive lesson he had ever received upon the intrinsic difficulties attending an Indian war in Florida. The testimony is silent upon the subject of what he wrote or what he said or thought at that swamp, in reference to the propriety of making sorties. It is probable, however, that he said nothing upon the subject, as it is proven by Lieutenant Mitchell that arrangements were made to establish a post near the swamp, which was left under the command of Major Cooper, with a battalion of volunteers; whereupon the General, with the residue of the right wing of his grand army, marched forthwith to Fort Brook, Tampa bay, as the witness believes, in order to obtain a supply of subsistence. "Hard bread and bacon," it would seem, and not sorties or Indian warriors, then occupied the thought of the new commander. My accuser, on his arrival at the Big Cove swamp, found himself in a dilemma. My simple plan of operations, communicated to General Clinch, and by him to my accuser, General Scott, was condemned by the last-mentioned General, who, on his arrival near the Big Cove swamp, found that he would be compelled to act in accordance with my plan, or to act not at all. My plan, the Court will recollect, was "*to search for the enemy until we should find them, and then beat them, or they would beat us*."

The new General could not reconcile it to his views of propriety, after saying all manner of evil things against me, to condescend to *search for the enemy*, as my plan had suggested. The Big Swamp was accordingly left without being disturbed by "a

*The "good ford" was not fordable, when found in March, 1836.

sortie," "a *sally*," "a *drive*," or "a *drag*." This rough work could not have been accomplished without some considerable labor and difficulty; whereas but very little was necessary for General Scott to write a letter or two asserting that the Indians were not in that swamp—that 500 had not been within any space of ten miles square since the commencement of the war; and that they had been frightened off to the Everglades by the accounts which, after they had sued for peace, I authorized Captain Hitchcock, my acting inspector general, to give them of the great forces expected soon to be in the country against them. It was easier, *while reclining in the shade of a Florida ever-green magnolia*, to make these random assertions, (whether true or false is for the Court to decide,) than to devote a few days time, with the consequent labor and privation of food and rest that must have attended a vigorous search through the swamp, than by such a search to give a practical illustration of the theory of *sorties* or *sallies*, so adroitly discussed by my accuser in his *sortie*-letter of the 14th March, and other productions of equal candor; but one of which remains to be noticed by me. I allude to the notorious *sortie* "Order No.—," of 1836, based upon a nefarious scheme got up by my accuser in order to enable him to divert public attention from himself, by striking at me over the shoulders of Major Gates, and thus to keep up the hue-and-cry of *sortie! sortie!* Upon the same principle that a *pick-pocket*, when amidst the crowd he filches from an unguarded stranger his purse, immediately raises the cry of *stop thief! stop thief!* and thus diverts public attention from himself, the actual offender.

I am aware, Mr. President how exceedingly improper this view of the subject would be, if it had not truth and reason to sustain it. The evidence is before you. It is for me to perform the disgusting duty of applying the testimony, furnished by my accuser himself, to enable you to do justice to him. It is for me to vindicate my own conduct, and in doing so, to correct the vagrant and profligate pretensions of a great public offender.

In desiring your attention to the order in the case of Major Gates, I take leave to precede my remarks by a paper, which is a copy of the rough draught of a letter which I prepared on the twentieth of July last, the morning after receiving the order in question. This paper contains my views at that time. My views remain unchanged. After writing the letter, however, I determined, on reflection, that I would not send it until time and opportunity should be given to enable the Secretary himself to correct, unsolicited by me, an irregularity which I was willing to attribute to the haste and hurry of business which I was aware had often, in the War Department, led honorable men into error and apparent irregularity, at or near the close of a long and arduous session of Congress. I, therefore, retained my letter to the President, until the receipt of "Order No. 65" apprized me of the propriety of submitting it through this honorable Court. [See Document No. 45, page 688.]

I have said that *I could not, without the palpable violation of a fundamental principle of military law, abandon the expedition until I should meet with the officer authorized to relieve or succeed me, unless expressly required by the President of the United States so to do, or the receipt of his order to that effect.*

Where, I may be asked by those who know no law but that which their own prejudices and passions enact, where is this great fundamental principle of military law to be found? I answer, that it is incorporated in the Constitution and laws of the United States, and in the constitution and laws of all the sovereign States of this great and growing confederacy. It will be found inscribed upon the *heart* and seen in the *mind's eye* of every free white

man of the American Union, who feels and who knows how to anticipate his equal share of that sovereignty which gives him the inestimable right of self-government, with the inseparable, the kindred right of self-defence.

We learn from our *Federal*, as well as from our State constitutions, that, the primary object of the People in the adoption of each was to provide for "the common defence" and "general welfare;" to suppress insurrection and repel invasions, and thus to afford protection to the defenceless; to keep the peace. For this purpose the President of the United States is expressly authorized to *command* the national forces, land and naval; and the Governors of States are in like manner authorized to *command* the forces of their States respectively. The President has a full and perfect right not only to command throughout every part of the United States, and their Territories, from the Atlantic to the Pacific, but also upon the high seas throughout the world, wherever any part of the land or naval forces may be, on duty or otherwise.

My command extended to every section of the Western Department wherever any part of the forces assigned to me happened to be, and more especially to the whole of the Southern and Western frontier. Authority is given to Congress to *declare war*, and support an army, to serve under the authority of the President; and, being myself honored with a high commission in that army, and ordered by the President to *command* the Western Department, my right to employ the forces placed under me against a known savage foe at war with the frontier citizens, and troops of my department, to "*repel invasions*," was as full and perfect a right as the President and the Congress of the United States could give me. He had ordered me to *command* the Western Department. This was sufficient to authorize me, on the sudden approach of war, to go whithersoever I deemed necessary to protect the people of that department "against their enemies and opposers whomsoever," as my official oath required me to do; and to see *where* and *how* I could do the enemy the greatest harm, and my country the greatest good, with the means at my disposal, keeping myself always within the pale of our institutions, and of the laws of war.

From my letter to the Adjutant General, dated at New Orleans, January 15, 1836, it will be seen that I there suggested the propriety of immediate measures for the arrest, or destruction of the enemy before the dry weather of winter should pass away, and the rains of spring and summer cover the swamps and flats with water; and, for this purpose, I suggest the propriety of ordering the 6th, with part of the 1st and 7th regiments of infantry, and urged the employment of an army of not less than *four thousand men*, to be aided by a strong naval force.

By a letter from General Scott to the Adjutant General dated at Augusta, Georgia, January 31, 1836, it will be seen that that officer urges the propriety of an army of five thousand men, aided by a naval force, being employed against the enemy.

In my letter to General Clinch, dated at New Orleans, the 2d of February, 1836, a copy of which was forwarded to the Adjutant General, I announce my intention to embark on the following day on board certain steamboats with a regiment of Louisiana volunteers, and some companies of the 4th United States infantry, for Tampa bay, making an *irrevocable pledge* to co-operate with General Clinch in bringing the war to a speedy close. In a letter from General Scott to the Adjutant General, written on the — of February, that officer expressed a hope that the 4th infantry will be ordered from New Orleans to Tampa bay. And, in a letter written on the 2d of February, also to the Adjutant General, General Scott mentions the receipt of a report that Colonel Twiggs had embarked with a volunteer and regular force at New Orleans for Tampa bay, and

express a hope that this force will enable Colonel Lindsay to act *independently* in a direction from Tampa bay towards Fort King, on precisely the same route upon which my movement was made between the 13th and the 22d of February.

Mr. President, it will be seen by an inspection of these four letters, that they were written by myself and General Scott, without either of us having any knowledge of the views of the other, and that our views and wishes accorded in our letters written near about the same time, whilst six or eight hundred miles apart, were, for the most part, in strict accordance, so far, at least, as regards the forces from New Orleans and the movement from Tampa bay to Fort King, and variant only in this: that my estimate of the requisite force to terminate the war was four thousand men, whilst that of General Scott was five thousand men; and my plan was to co-operate with General Clinch, or the officer commanding in East Florida; to search for the enemy until I should find them, and then, if possible, subdue them, and thus protect the frontier inhabitants: whereas General Scott's plan was to surround and pen up the enemy near the frontier; a plan which I could not approve; because it was wholly impracticable without an army of ten thousand men, principally mounted; and, even with that force, the Indians could not be hemmed in upon the frontier of Florida, without endangering the lives of most of the remaining inhabitants for whose protection our troops were employed as a primary duty. It was not my purpose, however, to interfere with General Scott's plan of operations. I intend simply to command, as appeared to me proper, until I should meet with that officer, and then co-operate with him, or, if he preferred it, turn over to him the troops with me, according to the notification received by me at Pensacola, from the Adjutant General of the army. Nothing, therefore, appeared to disturb the harmony in which that officer was approaching the theatre of active operations, until he learned that I was at the head of the forces from the West. The patriot spirit of harmonious co-operation seems then all at once to have abandoned that General, leaving him a prey to the furies of anarchy and discord. He immediately reports his plans thwarted by my movement, notwithstanding he had so recently expressed his satisfaction at the prospect of a similar movement on the part of another officer. He immediately set about a scheme to arrest the movement of the supplies ordered for my department, *before he had any thing to do with the affairs of the war in East Florida.*

Lest I should be deemed unjust to the General, I will, in due time, employ his own words to explain his object in arresting and withholding from me the subsistence destined for my command.

Mr. President, I have passed in review a point in my vindication fraught with intense interest, not merely to myself and my faithful officers and men, but to you and to every member of the army confided to your command; and more especially to every citizen-soldier throughout America, whose duty it is, and in all future time will be, to enjoy the inestimable right of participating in the national defence; a point upon which you are solemnly bound to state facts as you find them established by evidence, and to give an opinion which cannot but contribute, as far as you have power, to relieve the army and the republic of a high military offender, who, in the hope of inflicting a wound on the reputation of his senior, and supposed rival, had the childish audacity to withhold, not only from that senior, but from the patriotic troops who accompanied and nobly sustained him in action at the Withlacoochee, *public supplies*, essential to their existence; supplies ordered to be conveyed to the troops of my department before that officer was ordered thither; and he had the hardness, also, to direct General Clinch not to afford me any of the supplies which I had required from him

at Fort Drane, a post within the limits of my department, and which General Scott had not seen fit to approach nearer than Picolata, a distance of sixty miles within the settlement near St. Augustine, and from ninety to one hundred miles from the theatre of the war, intending thereby, not to sustain me himself, and, as far as he possibly could, to prevent the troops of my own department from sustaining me, in the position which I had taken against the enemy at the Withlacoochee; but, by cutting off my necessary supplies, *to starve my troops out of that position!* a position which I could not abandon without suffering the principal force of the enemy (which I there held in check) to fall upon hundreds of helpless families—evils which must have followed, had not the chivalry of my troops triumphed over the enemy, and forced him to sue for peace. In doing so, they achieved at once a triple victory: a victory over their wants of regular supplies, a victory over the savage foe, and a victory over the atrocious machinations of the second United States general officer who has ever dared to aid and assist the open enemy of the republic in their operations against United States forces employed in the protection of the frontier people. The first great offender was Major General Benedict Arnold; the second, as your finding must show, is Major Winfield Scott:

Question by General Gaines to Colonel Twiggs.

Colonel Twiggs is requested to state what he knows on the subject of making a sortie at or from Camp Izard, in February and March, 1836?

Answer. I received an order on the 29th of February, after the Indians had retired from making an attack on us, to hold the command in readiness for a sortie. After the 29th, in a conversation with General Gaines, I think he stated to me he had written to the officer in command at Fort Drane, and he expected him down with some mounted troops; that, as soon as they made their appearance, the command was to leave the break-work to attack the Indians. I think he stated to me that he had so written, that he would not make the sortie until the troops should come down. I had frequent conversations with the General on this subject; and he stated to me his views that we could do no good by going out; that the Indians would fly before us, and that, as soon as any troops made their appearance, we should go out and attack the Indians. It was expected that troops would arrive from Tampa bay on the opposite side of the river. This was before the 5th of March.

Question by the Court. What is your own opinion as to the propriety of making a sortie from Camp Izard whilst invested by the enemy?"

The witness begged leave to decline answering the question, and was excused by the Court.

Question by General Gaines. Colonel Twiggs is desired to state whether or not it was his opinion, at any time between the 27th of February and 6th of March, that the enemy could have been subdued by making a sortie, or whether it would not have contributed only to disperse the Indians? And state, whether the Indians could not have concealed themselves in a thick hammock, at any moment, in three or four minutes time? and state, whatever opinion he entertained on the subject at the time, and whether he communicated to General Gaines such opinion?

Answer to the first part of the question. From the 27th to the 28th, and including the 28th, the Indians were on the opposite side of the river, and we had not boats to cross the river. From the 29th February to the 5th March, we could, at any time the Indians made their appearance, have driven them, but we had not the means to follow them. I cannot say whether we should have dispersed them or not. As our camp fronted the river, there was an extensive hammock and scrub on the left. There was a hammock, also, on the right, both of them two or three hundred yards of the camp, or probably a shorter distance, and the Indians could have taken shelter in

either of those hammocks in a few minutes. I never gave General Gaines, while at Camp Izard, any opinion as to the propriety of a sortie.

"Question by General Gaines. Colonel Twiggs is requested to state whether any officers, and, if any, who, of the light brigade, at Camp Izard, in February and March, 1836, expressed the opinion that a sortie ought to have been made.

"Answer. Not one, while I was there, expressed such an opinion. I had, and, as far as I could learn from the opinion of the command generally, they also had entire confidence in General Gaines, and we were willing to submit to his judgment.

"Question by General Gaines to General Smith. General Smith is requested to state his opinion as to the mode of fighting the Indians at Camp Izard, between the 28th of February and 5th of March, 1836, inclusively, taking into consideration all the circumstances attending the service there, and particularly whether, in his opinion, a sortie would have been attended with advantages?

"Answer. I believe that the only mode of fighting Indians is to wound or kill individual warriors, but that simply to attempt to disperse them would produce no great benefit. Therefore, if the Indians occupy a position which we desire to occupy ourselves, we must certainly attack and drive them; but, under other circumstances, whatever method offers the greatest facilities of wounding or killing them, is the best method of fighting them. The position General Gaines occupied at Camp Izard, at the period mentioned, was one that he was desirous of maintaining, and I therefore think that he was likely to do more injury to the Indians in repulsing their advance on his position, than he would do in quitting it to follow them through the woods. It is impossible for a soldier on foot, in that country, to overtake an Indian. The Indian could, at the first attack, withdraw himself from the fire, and the position of the hammocks in the neighborhood offered them a retreat, in which they could hide themselves immediately. I believe that, as in attacks on positions, fortified or not, the loss is always greater on the attacking party than in any other kind of combat; where the object is to destroy the life of the enemy, that species of combat offers more advantages than any other. The battle of New Orleans, the attack on Sandusky, and, in fact, all the attacks which were repelled during the last war, are evidences of this. On the 29th of February, when, I think, the largest body of the Indians appeared, I think it likely that fewer of our men would have suffered if we had made a sortie, but far fewer of the enemy would have fallen. The defences that were afterwards made of the camp were hardly then begun, and especially the whole interior of the camp was entirely exposed. General Gaines himself, who was sitting near the centre of the camp, received a wound in his mouth. I, therefore, think that, under all the circumstances, there was a greater injury inflicted on the enemy, as they approached the camp through the open ground around it, than if the troops had gone out and followed them through the woods. I would remark, however, that the whole of the troops were not in the camp—two companies of the Louisiana regiment were posted down on the river, and a part of them were drawn in afterwards to cover a part of the line.

"Question by General Gaines to Colonel Twiggs. What was your opinion of the sincerity of the Indians in their proposition for peace at Camp Izard, the 6th of March last; and please state what motive, if any, the Indians could have had for treachery; and, finally, have you heard any observations on the subject from Indian countrymen or other persons acquainted with the Indian character, calculated to strengthen or destroy your opinion?

"Answer. The first night (the night of the 5th) when the Indians came and hailed the camp, I did

not believe them sincere, or that they had any intention of coming in at all. The next morning I went to General Gaines and told him 'whenever you show me men coming from the moon I will believe the Indians are coming in.' Before we separated, some person standing near spoke and said, 'here the Indians come.' In a short time, having halted some distance from the breast-work, one or two of them came forward with a white flag—one of the volunteer officers (I think Adjutant Barrow) went out and met them. When I saw them conversing with Mr. Barrow I then changed my opinion, and believed they were in earnest. I have thought a good deal on the subject, and I could think of no motive for their being otherwise than sincere. I judged they were sincere from what I had seen of the upper part of the Creek nation on previous occasions. It was at the Hickory-ground, with General Jackson, I think in 1814, after the first Indian came in there, I never heard of another act of hostility on the part of the nation towards the whites; the next occasion was on the Seminole campaign with General Jackson. I know that, after the first Indian came in, there was no act of hostility—I know this, for I was left in the country. I had a conversation with Colonel Dill, at Jacksonville, who has been a long time in that country. After detailing the circumstances to him as they happened at Fort Izard, he said he had not a doubt but that they were sincere in their wish for peace; so much so that he advised the people to go back again on the plantations—(on the road from Micanopy to Fort Drane.)

"Question by General Gaines to General Smith. What is the opinion of General Smith upon the motives of the Indians in seeking an interview, and expressing a desire for peace at the Withlacoochee? And state how far the Indians manifested a desire for peace by their conduct previous to the hostile movement of the troops from Fort Drane the 26th of March, under the orders of General Scott.

"Answer. I think I feel assured that the Indians were perfectly sincere in seeking a peace. I do not know on what terms they may have wished it, but I believe they desired a peace. A great many reasons operate on my mind to produce this conviction—the first was, that, on the night of the 29th, after the Indians had retired across the river, I heard some one, a peculiar voice, the tone of which I judged to be Powell's, making an address to his followers, apparently. The friendly Indians and their interpreter lay close by me. I called to them, through the interpreter, and desired the Indians to listen and try if they could catch any of the expressions. When the speech was done, the Indians said to me, through the interpreter, that it was an address of the chief, intended to encourage them; that he told them that no matter if they had suffered on our side of the river, that when we attempted to cross they would then have the advantage; and he suggested to me that it was apparent from that, that a portion of the Indians were dissatisfied; that the Indians did not appear the next day, nor until the evening of the second day, when a few shots were fired out of one of the hammocks on the river, nor did there ever seem to be one-fourth of the number of Indians on our side of the river that appeared on the 29th. On the evening when the first offer to treat was made, a voice of a negro hailed the camp in English; he called out that the Indians were tired of fighting, and desired to come in and make friends. He was answered, by direction of General Gaines, that if the chiefs sent in a flag the next day it would be respected. They held a talk the next day with the officer sent by General Gaines, precisely as they were directed to do. From all these circumstances it suggested itself to me that there was a large portion of the Indians who were averse to continuing the war, so large that the hostile party was obliged to conform to their desire; that they had nothing to

SEMINOLE CAMPAIGN.

DEFENCE OF MAJOR GENERAL E. P. GAINES,
CONCLUDED.

gain under any view of the subject by delay; that they were then as well prepared to carry on the war, and better, than they would be at any subsequent period; whereas they must have expected that the whites would increase in force every day; that if the object was to gain time in order to escape, that they could always have done that, as they could always out-march us; and that, in fact, they did not make use of it for that purpose, for Primus, who was sent to them afterwards, must have found them in the upper part of the cove or in the Wahoo swamp. From the time the Indians held a talk with General Gaines, there was not the slightest hostile movement on their part; and our men were fishing and bathing in the river every day by hundreds while we staid there, and as there was a thick swamp on the other side in the vicinity where they were bathing, the Indians might at any moment have shot down two hundred men with perfect security to themselves. We encamped about four to five miles from Fort Drane, between Fort Drane and the Withlacoochee, and small parties were constantly passing, and often single individuals, between the different encampments and Fort Drane, and were scattered over the whole woods for ten miles round, and I never heard of a sign of an Indian. The first that was heard of or met with after this period, was on the evening of the day General Scott commenced his march to the Withlacoochee, when a waggoner, belonging to the General's train, and who was left behind in the road, was shot by the Indians.*

Question by the Court to Captain Hitchcock. Do you believe the Indians were sincere in proposing a truce?

Answer. I believe they were perfectly sincere. I will remark, in reference to this question, that there was nothing in the manner or matter of the interview which I had with the Indians on the Withlacoochee to give me the smallest suspicion of their sincerity. There seemed to be a peculiar sadness over them, as if thoughtful of the misfortunes of their tribe, indicating that further hostility on their part was hopeless. I thought them sincere, and in that opinion all who were present entirely concurred with me, and I am the more inclined to continue in that belief from several considerations. Although wars among Indian tribes are sometimes of very long duration, it is seldom that active warlike movements among them continue for any great length of time. With tribes at war, there may be years of cessation of the war, and when a war-party, as it is called, is got up, with considerable formality, with a feast and war-dance, the party will make what they call a strike at the enemy—return from the expedition and celebrate their success, if successful, with the scalp-dance; but this kind of war cannot be carried on against the whites. To carry on war against the whites the Indians are compelled to embody themselves in large numbers, making it difficult for them to obtain supplies of ammunition, provisions, or clothing. In Florida, the enemy had, I believe, been so embodied for some length of time; they had had, I believe, some special causes for the war which had in part been removed, especially by the conduct of Ocoola, near Fort King, and I believe his language to me in council, that, 'he was satisfied,' had refer-

ence to that conduct. I have heard of other similar instances. The Indians had been successful in the destruction of Major Dade's command, and they had killed many more than they had lost. General Gaines having taken a position in their neighborhood, which they had found it impossible to move, they must have seen that they could not in future have procured from above the supply of provisions, consisting of cattle, which they had before drawn from thence. The opinion among them that this position was likely to be permanently held, was calculated to break down their spirits. I have never doubted that the Indians were informed of the movement of General Clinch from Fort Drane on the 5th March. I believe that the Indians, in the knowledge of this, saw additional reason to suppose that they could not maintain themselves in the country, and that, taking council on the evening of the 5th, they had concluded to make overtures of peace; and I have always believed they would have accepted terms such as would have been worthy of this great nation to dictate to them, had there been authority there to conclude a peace. There was not, in the council I held with the Indians, any thing said about the terms of peace; they made no proposition to settle limits; they asked for nothing—stipulated for nothing, beyond what I have stated in my testimony. They were told by me that they should be sent for to council, but that, in the mean time, they must abstain from war, and promise to attend the council when sent for. They engaged to all that freely, and with apparent alacrity. During the time that the troops remained at Fort Drane after that—to wit, from the 11th to the 26th March, as I have understood and believed, there was no sign of any hostility of the Indians in that part of the country; they had abundant opportunities to annoy the troops at that post, which were scattered over an extent of country of several miles in diameter, accommodating themselves with wood and water. Even before I left there, and as I have heard afterwards, the officers and men were passing at pleasure between the several corps of the army thus dispersed, and provisions were sent to these several corps without once being disturbed. General Gaines and his staff, a party of four, during that time, travelled from Fort Drane to Tallahassee through a country that had been before and was afterwards in possession of the Indians, without molestation and without suspicion of danger so far as I know. I have always believed that the Indians had a right to suppose that no further hostile demonstrations would be made against them until they should have been sent for and heard in council. When the hostile movements took place from Fort Drane, about the 26th March, the rear was fired upon by the Indians, and I have understood a baggage-wagon, or perhaps two, cut off. I have regarded this as an evidence that the Indians were fully informed of the exposed condition of the several corps around Fort Drane, but that so long as they could hope to be sent for to council they abstained from annoying those troops in compliance with their engagement on the Withlacoochee river."

Some days after giving the above testimony, Captain Hitchcock presented himself before the Court and asked permission to add to his testimony the following, as continuation of his answer to the 15th question by the Court. (The 15th question is that to which the above is an answer.)

Captain Hitchcock in reference to the 15th question by the Court. I will state to the Court that yesterday, on referring to some official documents from Tampa bay, I saw it stated that General Gaines had an escort from Fort Drane to Tallahassee; that statement is not correct, but I presume it was founded upon this: that Major McLemore was about to proceed from Fort Drane, in the direction of Tallahassee, with a mounted troop; that he tendered to General Gaines, unsolicited, as I believe on the part of Gene-

* *Note by Major General Gaines.*—It seems evident from the testimony of General Smith that General Scott himself confided in the sincerity of the Indians in suing for peace, inasmuch as he suffered these small parties to pass and repass round about Fort Drane for several miles without a guard.

ral Gaines, a small detachment of his troop as an escort. This detachment remained a day, or perhaps a day and a half, and commenced its march as an escort to General Gaines; but General Gaines, after the first day's ride, dismissed the escort—halting himself, permitting the escort to leave him, and moved on afterwards without it. I did not refer to this in my testimony, because the escort was entirely unsolicited, I believe not even desired. Major McLemore's troop was returning to their homes at the time—they were not detached as an escort.*

Question by General Gaines to Colonel Twiggs. Colonel Twiggs is requested to state whether he met a wagon-train, about the middle of March last, between Fort Drane and Black creek; and if so, whether the wagons were or were not accompanied with a guard?

Answer. I left Micanopy, ten miles on this side of Fort Drane, on the 19th of March last. On that day I met the wagon-train with provisions, about twenty miles from Black creek. I inquired of the person having charge of the wagon-train (called the wagon-master) where the escort was? he said he had none, and I did not see any guard with it at all.†

Question by General Gaines to Colonel Twiggs. Be pleased to state whether the Louisiana volunteers were or were not ready or willing to march at any time after the middle of March, 1836; and what were your reasons for the opinion which you entertain in this case?

Answer. I have no doubt but the Louisiana volunteers, had they been ordered, would have marched the next day after their arrival from the Withlacoochee near to Fort Drane. I had a conversation with General Smith on this subject, and his opinion and mine coincided, that both our commands, the regulars and volunteers, were ready to march, and that we should not ask to detain the army on their account.‡

Question by General Gaines to General Smith. General Smith is requested to state in what manner the movement of General Gaines affected the movements of General Scott in Florida?

Answer. My impression has always been, that every effort that General Scott could make to advance his movements was made by him; but such were the difficulties in obtaining the means of transportation, that I do not think he could have been able to commence his movement earlier than he did; that therefore no operation of General Gaines delayed General Scott's movements, and that General Scott would not have been ready sooner or later whether General Gaines was there or not. General Gaines brought from New Orleans with him some means of transportation. He added to General Scott's forces at Fort Drane about 1,000 effective men. He had acquired some knowledge of the country around the Withlacoochee. His position on the

*Note by Major General Gaines.—I desired no escort. The discharged men, or those permitted to go to Middle Florida, here referred to, travelled with me the principal part of the first day's journey, the 14th of March, and until breakfast time, about 9 A. M., on the morning of the 15th of March, when I halted, and desired them to go on without me. They never travelled with me another mile.

E. P. GAINES.

†Note by E. P. Gaines.—By this testimony it is obvious that General Scott confided in the sincerity of the enemy in their having been subdued, and in their having sued for peace. Otherwise, he certainly would not have suffered the baggage-train to have passed and re-passed so near the enemy without a guard.

E. P. GAINES.

‡Note by General Gaines.—And yet, notwithstanding this fact must have been known to Major General Scott, he persisted in saying that his delay was necessary to enable these troops to rest and refresh themselves.

E. P. GAINES.

Withlacoochee had restrained the Indians during the time General Scott was occupied in transporting provisions to Fort Drane; and that, therefore, in these respects, General Gaines's movement was of great advantage to the movements of General Scott. I might add that, after all, the means of transportation were not sufficient to allow General S. to operate along the North Withlacoochee, and that therefore he was not able to derive all those advantages which he otherwise would have derived.

Question by the Court to Captain Hitchcock. Were there any sorties made from the fort upon the enemy on any one of the attacks made by him whilst the army lay there; and what was the strength of the army at the time?

Answer. The army was about 1,000 strong—a few over, perhaps—and no sortie was made. It may be proper to add to this answer, that one wing of each of the several bodies occupying the faces of the square, had been ordered by General Gaines to be held in readiness for a sortie, should he think proper to order one. This order was given on the afternoon of the 29th of February.

Question by the Court. Was the army on the Withlacoochee under General Gaines strong enough, and well enough appointed, to have attacked the enemy with a prospect of success?

Answer. In my opinion the army could have beaten the enemy at that place, and driven him at any time; but there were not means for pursuing him with any effect.

Question by the Court. Do you think that Major General Gaines had it in his power at any time, with the means in his hands, and the appointment of his forces, to have marched upon the enemy and subdued him, had the enemy availed himself of the fastnesses of the country well known to him?

Answer. I believe they would have escaped any pursuit he might have made with his force. With regard to the effect of a sortie, it is a problem of which perhaps any one may form an opinion, from a consideration of the facts which I will state. The Indians appeared to have a great facility in crossing the river; the banks of the river, above and below our camp, were lined with a dense swamp. Had a sortie been made, the Indians would have rushed into this swamp on one side or the other, and, by their knowledge of the best passage through it, and their facility in crossing the river, would, in all probability, have eluded any pursuit that could have been made from our camp. In the event of a sortie there would, in all probability, have been a loss on both sides; but, it is my impression, without producing any beneficial results. The Indians were expending their ammunition, while our fire was reserved, and we were daily in the expectation of force from Fort Drane, especially of mounted men, a species of force of which we had none.

Question by the Court. While you were in the fortified camp on the Withlacoochee, was there any preparation made for a sortie by order of General Gaines? if so, state the force or corps, and the officer appointed to the command of the troops ordered for that purpose.

Answer. The troops in the camp were disposed in the form of a square; the order was, for one wing of each face of the square to be held in readiness for a sortie, directions being given for the other wing to extend. Colonel Foster would have been one of the officers on the right; I believe General Smith would have commanded the sortie on the left. I am not able at this time to give the names of the other officers. The order was given on the 29th of February in the afternoon, communicated by myself to Colonel Twiggs, commanding the light brigade. A previous order on the subject had, I believe, been communicated by some other officer. It is my opinion that, had the attack been renewed in character like that of the morning of the 29th, a sortie would have been

made; but, after that attack, there was no serious attack made while we were on the Withlacoochee. There were but small parties engaged from time to time, in endeavoring to annoy us. This circumstance was itself a source of alarm, least the Indians had abandoned that part of the country to the disappointment of the hopes of General Scott, expressed in a letter to General Clinch, and which had been seen at Fort King. The first order for the preparation for a sortie was, I believe, given, not through myself, but through some other officer. Colonel Foster came to me and made a suggestion as to mere detail, desiring me to communicate it to General Gaines. I did so, and received his orders thereon, which were communicated as above stated. General Gaines, on several occasions, spoke of the probability of an arrival of troops other than those expected from Fort Drane, especially speaking of Colonel Lindsay, who was supposed to have arrived at Tampa bay, and declared it to be his purpose instantly to move in any direction from which reports of firing might be heard. Log canoes were constructed, and were then in the camp, with rived boards to be used for purposes of making platforms on the canoes, to cross the river; the General saying that he would cross the river instantly on hearing a gun from the other side.

Question by General Gaines. The witness is requested to describe the hammocks near my encampment on the Withlacoochee, and state the time at which the encampment was fortified.

Answer. The hammocks bordering the river very nearly united, immediately in front of the camp; from this point, both above and below, they gained very rapidly in width, and were extremely dense, especially to the east, or above the camp, where the hammock extended considerably back from the stream, but at a distance of several hundred yards from the camp. The river itself has not the bend as represented in the map I hold, (marked,) the curve being much larger. A light breastwork was made around the camp on the afternoon of the 28th of February, according to custom.

Question by the Court to Captain McCall. No sortie was made on the enemy at the several attacks made on the camp. What were the reasons which withheld or prevented such a movement on the part of General Gaines?

Answer. He did not explain to me particularly his reasons, but my impression was that it would not have resulted in any important advantage.

Question by the Court. Did no officer during the siege urge the propriety of making a sortie?

Answer. I did not myself hear any officer, and my impression at the time was that there was no officer there who differed with the General on that point.

Question by the Court to Captain McCall. What is your opinion of the ability of the forces under General Gaines to drive and beat the enemy, if a sortie had been made?

Answer. I have not the smallest doubt that they would have been able to do it, but from the nature of the ground; the hammocks which border the river being thick, and extremely difficult of access to the troops, would have enabled the Indians lying concealed to deliver their fire, and then, owing to their superior celerity and knowledge of the ground, to have passed through the hammock and crossed the river before the troops could have come up with them—their facilities for crossing the river being great, and the troops without the means of following them.

Question by General Gaines. What part of the force was out of the limits of my breastwork, during the action of the 29th of February; and state whether one or two companies were not often engaged in firing at the enemy across the river, prior to the 6th of March?

Answer. There was one company out of the limits of the breastwork on the 29th of February. Several companies were engaged in firing at the enemy across the river, prior to the 6th of March.

Question by General Gaines. Was it General Gaines's intention to make a sortie, in the event of his hearing General Clinch's or Colonel Lindsay's guns?

Answer. General Gaines remarked several times, while lying at Camp Izard, that he should not be surprised at hearing Colonel Lindsay's guns on the other side; and in that event he would cross immediately and march to his aid; or, should the Indians engage Clinch on his advance, he would immediately march out and support him.

Mr. President, and Gentlemen of the Court: In desiring your attention to the evidence which I have adduced to disprove the accusation against me, it becomes my duty expressly to protest against that mass of papers which have been referred to as *documentary evidence*, consisting of the *official reports, letters, and orders*, of Major General Scott. This monstrous mass of words, recklessly jumbled together, no matter by whom they have been endorsed, embraces not a word of legal evidence which the Court can, upon their oath, bring to bear against me, or against any man in existence, save and except the fabricator of those reports, orders, and letters. That it is your duty to bring them to bear against him is obvious; but against me they can have no legal bearing whatever; not merely because they are palpably untrue, but also because they constitute nothing of the character of legal evidence as against any other than the writer of such reports, letters, or orders.

"Truth is the basis of all excellence." And I have shown—I have demonstrated by the testimony of officers of the first character and standing in the army, and Louisiana volunteers, that General Scott's statements in reference to me and my movements are in many respects false and malicious. Look, for example, at what he has said in his letter of the 14th of March, in which he endeavors to show the necessity of my having made a *sortie*, and to disprove the facts stated in my "Order No. 7," of the 9th of March, that I had beaten the enemy and forced them to sue for peace. Sir, what is there in this letter that can possibly be found to embrace any of the elements of legal testimony against me? Let us suppose, for the sake of illustration, (what the testimony of General Smith, Colonel Twiggs, Captain Hitchcock, Captain McCall, Lieutenant Mitchell, Mr. Potter, and other witnesses, will go far to disprove,) that General Scott was truly and sincerely of the opinion that his statements contained in that *sortie-letter* were correct: then, sir, by what authority can the Court employ against me the mere opinion of Major General Scott?

Even if he had ever won a battle at the head of a division, or in the command of an army, or any other force, beyond the immediate authority of his senior and superior officer—an honor which he never enjoyed—he would not, in the event of his having achieved such an honor, have been able to give to his reports, letters, or orders, any of the essential properties of *evidence* against any man but himself: but he never achieved any thing in battle at the head of a division, or other independent forces.

The opinions of experienced men are often very properly received by courts, both civil and military, in order to elucidate facts based upon legal evidence; but the opinions of *interested witnesses* are of no validity otherwise than as against themselves. Need I tell the Court, what General Scott has so fully demonstrated, that he is so much altogether an *interested witness* in the case before you—the case of the United States regarding the cause of the failure of certain campaigns against the Seminole Indians in 1836—that nothing but my arrest, trial, and condem-

nation can possibly save that officer from being found guilty of high military offences.

The testimony of the officers last above named, that, notwithstanding General Scott's extraordinary letter of the 14th of March, in which he endeavors to prove that the Indians *were not subdued*, and that *they did not sue for peace*, or that if they did sue for peace, *they were not sincere*, most clearly proves that General Scott himself, at the moment of writing that letter, and for twelve days after that time, did in fact confide in the truth and sincerity of the Indians, as the testimony will demonstrate, inasmuch as he suffered wagons, small parties, and individuals, to pass and re-pass to and from the several encampments, from five to six miles round about Fort Drane, without a guard; although that section of the Florida frontier was within twelve hours' march of the Withlacoochee, where the principal force of the Seminole Indians was known to be encamped.

Besides the general evil inherent in all statements made in opposition to truth, there are peculiar evils in the representations of General Scott, arising out of the official sanction given to them by his signature, as the General specially authorized to command in the field, and also out of opinions founded upon them by the Executive head of these U. States.

It has been suggested to me that the President of the United States, forming his opinions upon the official representations of General Scott, has expressed sentiments unfavorable to my conduct on the Withlacoochee. The fact of my going to Florida, in the execution of my duty, could not easily be misrepresented; and though arguments have been sought and pressed into the question to impugn my motives, they have failed to produce the effect intended, and my movement to Florida, under the extraordinary and peculiar circumstances of the case, has not in any manner been censured by that high public functionary; but my conduct, while in the country of the enemy, was less visible, comprised a large mass of facts, was pursued at a distance from all direct communication with Washington; and, while I was in the heart of the country occupied by the enemy, in hearing of their war-hoop and rifle on the Withlacoochee, General Scott was snugly posted at the little quiet place called Picolata, within eighteen miles of the city of St. Augustine, making free use of his facilities for communicating with the Government, and writing the letters which I have deemed it proper to designate his *starving letters* of the 1st and 4th of March; and, from the *little steamer, the Essayons*, on his way from Picolata, his *rescue-letter* of the 9th of March; and afterwards, from Fort Drane, his *sortie-letter* of the 14th of March—all which were received with unsuspecting confidence at Washington, and upon which, false and slanderous as they were, my conduct was viewed by the Chief Magistrate with disapprobation. I look with confidence to the developments made before this Court for enabling the President to do me justice, and relieve me before the army and my country from the odium which the publication by the War Department of these official slanders, and the suppression of all my correspondence upon the subject, reported for the information of that Department, was calculated to produce.

General Scott has said he is not my *prosecutor* nor my *accuser*; and yet, without the slightest pretensions of self-defence, he has deliberately fabricated or endorsed the most calumnious accusations, which he only has not prosecuted, because an investigation, as he knew full well, would inevitably throw back upon himself the shafts poisoned by his own venom.

Among the duties assigned to this Court, it is required to investigate all subjects connected with the campaigns in Florida, and I now therefore solemnly call upon the Court to take that notice of the remarkable letters of General Scott, of the 1st, 4th, 9th, and 14th of March, which their extraordinary contents deserve.

Thanks to the Almighty, I have lived to enjoy the privilege guaranteed to every citizen and soldier of the republic, to vindicate my conduct, and to expose and demolish the weak and nefarious scheme contrived by my accuser, while in the use and abuse of a little brief authority, for my destruction; and thanks to the high public functionaries of our beloved country, for affording this privilege while I am yet in the land of the living, and in time to save my children and my military and volunteer friends, the deep affliction, and the abiding mortification, of finding, when I shall be no more, the uncorrected accusations which you have received from the Department of War, and which now lie before you.

That it was the duty of the head of that Department, as an act of natural equity and justice prescribed by law, (see the 77th and 79th Articles of War,) to have acted upon and notified me of these accusations the moment they were received by him, and to have assembled, as soon thereafter as the state of the service would permit, the proper tribunal for their investigation, there can be no ground to doubt. The omission of this obvious duty, and the placing me upon a most "delicate and important command," wherein I was honored with the Secretary's notification that the President of the United States had been pleased to approve my views and measures, ought, perhaps, to be considered as the strongest assurance that could be given me of unshaken confidence in my fidelity and honor; and, on the other hand, of the little reliance placed in my accuser. Perhaps, too, the honorable the Secretary of War was apprized, as I have been long apprized, of the fact that my accuser, never having learned how to govern himself, would, in due time, if allowed much latitude, *defeat himself*, in his overheated zeal to destroy me; for there is no principal in moral philosophy, natural law, or military science, better established, than that the officer who has not learned how to *command himself*, is wholly unqualified to *command freemen*, or American soldiers, volunteers or regulars, and will sooner or later, in his unbridled efforts to destroy his imagined rivals, destroy himself.

My accuser charges me with the crime of having contributed to prevent or retard the forwarding of subsistence and other supplies required in East Florida. This charge is disproved by the testimony of Captain Morrison, the late assistant commissary for the post of New Orleans, recently examined by this Court. That officer testifies that, on my return from Florida to New Orleans, I directed him to forward promptly all the supplies that had been or might be required in Florida. The Captain's testimony upon this point is in the following words:

"*Question by General Gaines to Captain Morrison.* General Scott having endeavored to show that a report of the war being ended caused a detention in New Orleans of supplies called for by requisitions for Florida, the witness is desired to state whether he was commissary in New Orleans from January to April, 1836, inclusive; whether any such detention took place with regard to commissary supplies; whether he had an opportunity of judging whether quartermasters' stores were detained, and whether they were so detained; and is requested to state whether he understood from the quartermaster, whether he would or would not feel authorized to detain supplies under the supposed circumstances of there being a report like that in question? And the witness will also please state, what rations returned to New Orleans with the Louisiana volunteers from Tampa bay; whether a part was in bulk and by him issued to the volunteers; and whether he made any remarks to Captain Thistle on the subject of the bacon so returned, and what remarks he made?"

"*Answer.* I was assistant commissary at New Orleans from January to April, and had been for ten years as such. No detention took place in the furnishing of supplies; every exertion was used to pro-

cure hard bread and bacon, as required by General Scott. The bread and bacon could not be procured in sufficient quantities; the other part of the ration, consisting of pork and flour, was delivered to the quartermaster to make up the deficiencies. A duty which I owe to Major Clarke, as he is not present, compels me to state that every exertion was made on his part to furnish supplies and transportations; we both felt a deep interest that nothing should be wanted. From the 7th to the 16th of May, when the regiment of Louisiana volunteers returned to New Orleans from Florida, there was 720 pounds of bacon, 2,160 pounds of bread, surplus rations, which were sent to the commissary store at New Orleans, besides other rations in proportion. Captain Thistle came to me somewhere between 10th and 16th May, with a return for back-rations: in offering Captain Thistle his choice of pork, bacon, flour, or hard bread, I observed that I regretted that the hard bread and bacon had come back after the difficulty I had in sending it to Florida. As to Captain Thistle's asking me why I did not send the bacon and hard bread, I have no recollection of his having made such an observation to me, nor do I believe he did. No observation was made by me to Captain Thistle, that the Florida war was closed. [The witness here presented to the Court papers Nos. 39, 40, (see documents,) as evidence that he had discharged his duties promptly, and to the satisfaction of his department.]

"Question by General Gaines. What conversation had the witness with General Gaines, in New Orleans, in April, on the subject of sending supplies to Florida, and what did General Gaines urge?"

"Answer. About the beginning of April I had understood that General Gaines had arrived in New Orleans, and was on my way to pay my respects to him, when I met Major Clark, who requested me to get a requisition from General Gaines, which he had left with the General the previous evening or the same morning. I found General Gaines at his quarters; he was unwell; and, after a little conversation, I asked him for the requisition left by Major Clark; he handed it to me, and observed, very impressively, "furnish every thing which you are ordered to furnish." Commodore Dallas, of the navy, came in, and I withdrew. I did not ask General Gaines about the furnishing the supplies. His remarks were applied both to Major Clark and myself. [The witness produced paper No. 41, to show the quantity of certain supplies at Tampa bay on the 31st March, 1836.]"

Upon this point, Major Clark, assistant quartermaster at New Orleans, with a promptness which does his heart and his sense of justice great honor, distinctly asserts, in an official letter to the Quartermaster General's office, written long before this Court was ordered, and without my solicitation or knowledge, that I directed him, on my return to New Orleans, in the latter end of March, to forward promptly to Florida all the supplies that had been or might be required from his department. The Court is particularly desired to examine the testimony of these two officers, Major Clark and Captain Morrison—compare their statements with the vague allegations upon which my accuser relies, and mark how completely the plain simple statements of these most exemplary officers of the general staff disproves the hearsay stories upon which the charge of my accuser is based. By the testimony of these officers it will be seen that their efforts were unremitting to obtain and forward promptly every supply required. They were well aware of the probability that the war in Florida would be renewed. But even had it been otherwise—had they received official notice that a treaty of peace had been concluded, they understood their duty too well to relax in their efforts to forward supplies; as they well knew that troops must have their rations, and public horses their forage, in peace as well as in war; besides, they knew that a treaty of peace would create an addi-

tional call for subsistence, inasmuch as it would impose on the United States the task of feeding some thousand of half-starved Indians of both sexes and all ages.

Major Clark had been on duty in East Florida for several years subsequent to the year 1820; had superintended the construction of the military road from Fort Brooke to Fort King; had made himself well acquainted with the Indians, and with the topography of a considerable portion of the country they then occupied. My letter to the Adjutant General, under date the 15th of January, 1836, now before the Court, contains Major Clark's estimate of the number of the Indians and blacks, which he deemed to be over 2,000 warriors. His statement in reference to the accusation in question is as follows:

"ASSISTANT QUARTERMASTER'S OFFICE,
New Orleans, August 16, 1836.

"SIR: I have this day seen a publication in the National Intelligencer, of the 27th July, taken from the New York Star, on the subject of the campaign in East Florida. The writer, in speaking of the arrival of the army at Tampa bay, says, 'we there learned that the quartermaster at New Orleans, influenced by the representations made or caused (as it was said) to be made by General Gaines, that the war was closed, had abstained from sending on provisions he had been ordered to forward from that place.' The whole of this part of his statement is incorrect. When or how he obtained this information I know not. General Gaines, on his return to New Orleans, told me to continue to send supplies, which was done promptly. Every exertion was made, both by myself and the assistant commissary, to obtain and forward the subsistence and forage required. There was great difficulty in obtaining hard bread, and every barrel that could be had was immediately shipped."

"On the 31st of March, the assistant commissary at Fort Brooke forwarded a statement to the assistant commissary at New Orleans, of the supplies on hand—216,750 rations of meat, 304,423 rations of bread and flour, and the small rations in proportion; at this time there were two vessels on the way, laden with subsistence and forage, and the bills of lading show that they were received on the 6th of April in good condition. Now, it appears the army arrived at Tampa bay the 3d, 4th, and 5th April, and remained but a few days, before they took their departure, and I cannot conceive where was the scarcity of provisions, unless it was in the hard bread; this was unavoidable, for it could not be obtained; that is, the quantity required."

"My object in making this statement is to correct the error that General Gaines had, in any way, contributed to the withholding supplies from the army in Florida; also, to show that there was no cessation on the part of the commissary or myself, in procuring and forwarding the supplies at the earliest period possible. The proofs of this are contained in my list of shipments now at Washington."

"I have the honor to be, sir,

"With high respect,

"Your obed't servant,

"J. CLARK,

"Assistant Quartermaster."

"To Maj. T. Cross,

"Act'g Q. M. Gen., Washington."

General Scott has urged, as among the causes of the failure of his campaign, the necessity of replacing the subsistence drawn from Fort Drane by General Gaines, and of providing for a larger force than was expected there; and has desired the Court to remember who took from Tampa bay the means of transportation which were there early in February, and what prevented the arrival of new means from New Orleans.

I remark, that the subsistence drawn by me from Fort Drane, previous to the arrival of General Scott, was something less than 12,000 rations. By General

Scott's letter of the 9th March, to the Adjutant General, it will be seen that the ordinary baggage-train of General Clinch conveyed, in one single trip from Picolata to Fort Drane, 17,497 rations of bread and flour, and 11,000 rations of pork, besides a quantity of beans, coffee, &c. The Court will perceive that, with the beef-cattle at Fort Drane (of which the principal part of the meat ration was composed) this supply of 17,000 rations and upwards of bread and flour, nearly twice replaced the whole amount of supplies drawn by my troops, and that this was done, not by the transportation ordered into the country, or provided by General Scott, but by a single expedition of the wagon-train of General Clinch, which had been despatched from Fort Drane, and had arrived at Picolata on the 2d of March, the day on which my express of the 29th of February was received by General Scott. This wagon-train was detained, unnecessarily, until the 6th of March, and was then four days in removing to Fort Drane, although a movement of the same extent in the summer, the rainy season of the year, was effected some weeks afterwards by Colonel, then Major Pierce, in two days' time. As to the necessity of providing for more force than was expected, this can in no manner be alleged by General Scott as an evil; for, by his letter of the 6th March, he admits the necessity of a part of that force to complete the right wing, (owing to the defection of the Georgia troops,) and if the force was larger than was desired, on account of supplies, he had it entirely in his power to relieve the commissariat, by detaching as much to Picolata as he pleased, or dismissing the whole of it, if he thought necessary. But he retained the whole of it, merging it into the right wing, and taking it with him on his march to Tampa. There is a disingenuity in the allusion to my having taken the transportation from Tampa, in the argument of General Scott; for he would have the Court infer that it operated to the disadvantage of the movements of the right wing; whereas, whatever that transportation was, it was at his own disposal, after it reached Fort Drane, and necessarily became a part of the transportation of the right wing; so that, while the General had it entirely in his power to diminish the force *ad libitum* at Fort Drane, by discharging the surplus, he was actually in the use of all the transportations taken by me, not only from Tampa, but from New Orleans. From Tampa bay, I did indeed take but one single horse-cart, and I believe one horse and one mule of public property, not placed there by General Scott, and perhaps 8 or 10 Indian ponies. The principal part of my transportation was procured by myself at New Orleans, and General Scott not only had as much or as little of my force as suited his own pleasure, but he had all my transportation at Fort Drane. General Scott admonishes the Court to remember what prevented the arrival at Tampa of new means of transportation from New Orleans, alluding to the testimony of Lieutenant Morris; and here is the same disingenuity; for, had the city of New Orleans itself been at Tampa bay at the time of the movement of the right wing, it could not have aided the operations of that wing in its attempts upon the cove in its downward march to Tampa. That this movement was necessarily and absolutely independent of Tampa, is too plain to require proof. But even if it had depended upon Tampa, all of the quartermaster's and commissary's stores, as seen by the letter of Major Clark, were there, and these were all that the Government had any control over, all that could have been or were ordered there, all that were at all necessary for the campaign. The only stores not there, even admitting the testimony of Lieutenant Morris, were some sutler's stores, mere articles of convenience or comfort in a permanent garrison: such as tobacco and herrings, and sometimes cheese and bacon and crackers; articles that could not have been carried on the campaign, if for no other reason than the want of transportation. It

would have been strange indeed to have thrown out of the wagons the substantial and necessary articles of pork and flour, and supplied their places with herring and tobacco. On this head, however, I have another remark, that Mr. Morris, the writer of the letter to Lieutenant Morris, in which was enclosed the scraps of a newspaper containing a report that the war was ended, and assigning this as a reason for not sending the herring and tobacco, was not a sutler, and was not in any manner bound to furnish those little comforts. He was a New Orleans merchant, and in the business of turning a penny by sutling, was an intruder, or, to use the more forcible language of General Scott, he was an "interloper." [Upon the subject of means of transportation at Tampa, see the testimony of Lieutenant Morris, by which it is obvious there was near ten times more public means of transportation brought to that place by me, and by order of Major Belton, for my use, than was there upon my arrival.]

Question by General Gaines to Lieut. Morris. General Scott having charged that General Gaines took the public transportations from Tampa bay, to the disadvantage of the movement of Colonel Lindsay, the witness is desired to state what amount of transportation was taken by General Gaines; also, whether it was or was not replaced by Lieutenant Casey; when Lieutenant Casey arrived at Tampa, what amount of transportations he brought; whether Colonel Lindsay had the benefit of that transportation, and by whose order; when and where, so far as witness knows or believes, Lieutenant Casey was sent for said transportation.

Answer. There were only four or five indifferent horses taken by General Gaines that belonged to the post, besides the number that was directed to be sent by him from New Orleans. It is proper to state that there were 60 horses sent at first; but, from disease and rough weather at sea, 5 or 6 died, and some of the others were in a poor condition for service. Lieutenant Casey, the acting quartermaster at Tampa bay, had been sent, I suppose by order of the commanding officer, to Middle Florida, (Tallahassee,) to procure means of transportation for General Gaines's army, which was expected to arrive soon. The transportation, 6 or 8 teams complete, arrived a short time after General Gaines's departure with his force from Tampa bay. This transportation was put in requisition by Colonel Lindsay, after he arrived there, and formed the principal transportation of his column. To the best of my recollection there were 42 or 48 horses or mules, which formed the teams for the wagons arrived from St.-Mark's.

Question by General Gaines. Was it known at Tampa, at the time Lieutenant Casey was sent for transportation, that any other troops were expected at Tampa bay than those taken there by General Gaines?

Answer. I knew of no other, and I believe it was not known there that Colonel Lindsay's, or any other troops, were expected to arrive at that time.

Question by General Gaines to Captain Drane. Please state what reason you had, if any, after returning with the right wing of the Florida army to Fort Drane, for believing that the families of the Indians were still in the cove, and whether any doubt remained on your mind as to their being there in March and April last?

Answer. The night before the right wing of the army crossed the big Withlacoochee, returning, I was called, at 12 o'clock at night, by Major Cooper, who was the officer of the day, to listen to the talk of both Indians and negroes, on the north bank of the big Withlacoochee. The next morning the army had marched but about one half mile, when we crossed a trail of Indians coming out of a swamp; passing to the south, a little further on, about 200 or 300 yards, we discovered a trail leading into the swamp; the trails were evidently fresh, and made that morning. The second day, after crossing the

little Withlacoochee on the route to Fort King, the army crossed several small trails, some leading to the cove, and some to the west; those west leading into the Wahoo swamp, or that direction. The day following the day we marched to Fort King, our left flank was attacked by a small party of Indians that soon fled also in the direction of the Wahoo swamp or Withlacoochee. On our arrival at Fort King, we were informed that Billy Emathla's wife and one other squaw, I believe her sister, had been captured, during the absence of the army from Fort Drane, and taken off by the hostile Indians. Some days after the army arrived at Fort Drane, Billy Emathla's wife made her escape and returned to the right of the army to her husband. I had several conversations with her through the interpreter. She informed me that the Indians had not moved from the Wahoo swamp and the cove on the Withlacoochee; that their women and children were still there; there, they had planted their grounds; that the crops were very fine. She described the corn and rice as being about a foot high. She stated that, in her opinion, they would have a better crop than they ever had. I inquired of her if the Indians had moved their families from there at any time during the war. She informed me that they had not. She there had a conversation with Powell, who advised her to quit her husband, and join the Mickasukies, and not return back to the white people; that his men had whipped all the white men, and driven them out of the country, and then they had gone home; that he then meant to assemble his warriors and drive the pale-faces from Fort King; and then he would go to Fort Drane and drive them away from there, where they would get a large supply of ammunition, and they then would drive all the Alachuas (meaning volunteers) out of the country, as far as the Suwannee; and then that they would have all the country from the Suwannee, south, to themselves. She informed me that she had heard Powell repeatedly say, during the time she was in captivity, that he never would make peace with the white man. The above are the reasons why I have never had a doubt that the Indians had never quitted the cove or the strong holds on the Withlacoochee. After the army had returned to the Withlacoochee with General Gaines, I was sent to Oaklands, five or six miles northeast from Fort Drane, where I remained until General Scott arrived. During the time I occupied that post with my command, and a few days after I returned from the Withlacoochee, very frequent signs of Indians were discovered on the plantation of Colonel John McIntosh, and crossing the main road leading to Micanopy. I had frequently seen fires on the opposite side of Orange lake during this period, and I felt satisfied they were Indian fires.

"The Indian women spoken of in this account, were captured during the time the army was absent on its march from Fort Drane to Fort Brooke. They returned from captivity after the army arrived at Fort Drane from Fort Brooke.

"*Question by General Gaines to General Smith.* To what extent was the cove swamp penetrated by General Scott in March or April, 1836; and was the search for the Indians by him sufficient to enable him to pronounce upon the position of the Indians or their families?

"*Answer.* On the 30th March General Scott left all the baggage under the charge of Major Wilson, and a detachment at, what I presume, may be called the entrance of the cove. We marched without the baggage that afternoon, probably about four and a half miles. Next morning we crossed the foot over a very deep and difficult bog which was in front of our encampment. The right column, which was under my command, attacked a small party of Indians that were in front, and pursued them three or four miles, to the utmost extent of the pursuit.

Part of the column had arrived, by taking a direction on the banks of the river; the other part, with which I was myself, was pursuing the trail down through the woods to the right, when one of General Clinch's staff brought an order for us to return. We then retraced our steps to where the baggage was, and the next morning took up our march round the outside of the cove, and after leaving Major Cooper with his battalion towards the southern extremity of it, we went to Tampa bay. The farthest extent to which the cove was penetrated, was by the party which I commanded. Both the columns that entered the cove met in the cove altogether about 120 or 130 Indians. We had lost all trace of the Indians in the cove before we were recalled. We were on an old path, but we had lost all trace of the particular party we were pursuing.

"*Question by the same to the same.* What is the opinion of the witness as to the location of the Indian families in March and April; and does the witness know whether they had or had not gone down to Pease creek?

"*Answer.* I have no idea of where they were at that time. They could not have been on Pease creek, unless possibly at the very head of it, a point beyond which I went. I do not think there was any large body of Indians on Pease creek, as I ascended it with only 140 men, and the Indians would have known of our approach. We crossed two considerable trails leading to the south, but they must have been two or three months old."

"*Note by Major General Gaines.*—General Scott has labored very diligently to show that the Indians removed their families and dispersed themselves from the cove of the Withlacoochee in March, and has attributed the supposed movement to me. He formally reported his opinion to the War Department on the 30th of April, and has urged the same considerations before the Court of Inquiry, but without introducing any evidence upon the subject. He has quoted his own letters, containing his opinions, and asks very significantly how he is to account for not finding, three weeks after General Gaines left the Withlacoochee, any considerable body of the enemy, on any other supposition than that of their dispersion.

The difficulty is very easily solved, and since General Scott has suggested it, in connexion with the effects of my movement, I have thought proper to place on your record the testimony necessary for the purposes of explanation, and the answer to the General's inquiry may be embraced in a single sentence. He did not find the enemy, because he did not go where the enemy was to be found. The testimony of Captain Drane and Lieutenant Mitchell has shown that Major General Scott penetrated the cove but two and a half miles, about four miles from the crossing of the river, although Captain Drane, who has been many years in that country, and is well acquainted with it, has told you that the cove is 15 or 20 miles in extent. It has a circumference of not less than 40, perhaps 50 miles, and this celebrated spot, the known and acknowledged stronghold of the enemy, the object of all General Scott's plans, the theme of his public letters and reports, was penetrated but the short distance of two and a half miles, when the pursuit was strangely abandoned, while a portion of the enemy was in view, and the remainder of the march was conducted in the open country for many miles, adjacent to this celebrated hammock, to Fort Cooper, where a useless post was established, and supplied with 17 or 18 days' provisions for three or four hundred men, instead of penetrating the hammock with that supply of provisions, and searching for the enemy. In connexion with this subject, I will observe that, if General Scott thought the force was too large in the right wing, he should have left a portion of it at Fort Drane, more especially if he was not able to supply it with provisions. Again, General Scott took with him all the transportations he had at Fort Drane, leaving still some supplies in depot at Fort Drane. Now, this transportation was more than all he had ordered into the country, not only by the addition of that possessed by General Clinch, but by that taken to Fort Drane by myself; so that, if his force was out of proportion large, he could have left a portion of it, and then have moved on the Withlacoochee better pro-

I have stated that the proper time and place for Major General Scott to enter upon the command of the forces under me, in that part of my department which formed the theatre of the war, was the precise time and place of his arrival in person at the position occupied by the force actively engaged under me at that position; because, until the moment of his arrival at my position, every duty and every responsibility necessarily rested with me, and therefore it was proper that I should be governed in my movements and measures by the movements of the enemy, with a view to the immediate protection of the frontier, and to subdue the enemy, or to hold them in check, until the arrival of additional force and supplies. This view of the subject is based upon a principle which has from time immemorial governed the interior and exterior police of the armies of the most enlightened nations of the world, during a state of war: a principal, therefore, strictly applicable to a state of war. Take, for example, a picket-guard, or a small out-post, near the enemy; who ever heard of the commander of either being relieved otherwise than upon the personal appearance of the officer authorized to take command. At a post, or in a department where there are several officers on duty, the commander may be relieved in time of war by a special order, directing him, on the receipt of such order, to turn over his command to a particular officer near him, or to his next in rank; but, without some such special authority, the officer to be relieved would remain in command, if near the enemy, until the new commander arrives in person at the position occupied by the force employed near the enemy. I have sought in vain for a case tending to justify or excuse the pretension of a right, on the part of General Scott, to assume the command of any part of the forces of my department, upon the theatre of the war, whether with me in the field or otherwise, previous to his arrival *within the limits of my department, and at the post where the troops were employed in an active campaign against the enemy.* I have, on the contrary, found many cases tending to establish the principle for which I contended, and upon which I acted—to one of the strongest of which I have desired, and again desire, the attention of the Court. I allude to the case connected with the battle of Vimera, in Portugal, fought in August, 1808, between the British army, under Sir Arthur Wellesley, and the French, under General Junot.

After Sir Arthur embarked at Cork, in Ireland, with an army of ten thousand men, from the Penin-

vided, in every respect, than it was possible for him to be independent of my movement; yet, with all these advantages of men and means, he only penetrated the swamp two and a half miles, proceeded to Tampa bay, and there reported to the War Department that he had penetrated the cove to its head, as he thought, and now insists upon it as a matter clearly ascertained that the Indians had dispersed. I repeat, in answer to his question, why did he not find the enemy? it was because he did not go where they were. They were in the cove. A body of some 250 was actually found in the edge of it by General Scott, and after he left Fort Cooper that post was assailed by Indians from the cove for some 17 days in succession.

On the return march from Tampa to Fort Drane, Fort Cooper was absorbed, and the march was thence conducted into the Tampa and Fort King road; in passing to which, Captain Drane testifies that the southern edge of the hammock was traversed for a short distance, but the great cove itself was not penetrated.

In this march from Tampa, it might be readily supposed one select corps could have been organized of the three divisions at Tampa, leaving the remainder at Fort Brooke, and, with the whole of the transportations, this corps of choice troops might have been amply provided for an examination of at least a week or ten days in the cove; but no, the divisions returned as they went, and the great cove, as if avoided with special care, was passed on the west in going down, and on the east in returning; and, without examination, the Indians were officially reported to have dispersed. E. P. GAINES.

sula, General Sir Harry Burrard Neale, senior in rank to Sir Arthur, was ordered to take command of the forces proceeding to Spain, of which Sir Arthur's division formed a part. About the same time General Sir Hugh Dalrymple, then at Gibraltar, received orders to take command of whatever British forces he should find in Portugal. Sir Arthur, on arriving near the coast of Portugal, learned that General Junot, with a French army of 14,000 men, was in the vicinity of Vimera; whereupon the British army, under Sir Arthur, landed, and was soon after attacked by the French. A severe conflict ensued. It so happened that, during the battle, General Neale arrived at Vimera; he immediately sent an officer of his staff to the field of battle, in sight of Vimera, to announce his arrival to Sir Arthur, notifying him, however, that he was expected to continue his operations against the enemy according to his own plan. The battle continued for some hours. Previous to its termination, General Sir Hugh Dalrymple arrived at Vimera. He also announced his arrival to Sir Arthur, who was again notified by a superior, that he, Sir Arthur, would continue his operations according to his own original plan, until the battle should be over. The French army was ultimately beaten, and was seen by General Dalrymple retreating rapidly in a direction towards *Torres de Vidras*. On making this discovery, General Dalrymple sent his aid to desire Sir Arthur to give up the pursuit, and return with his army to Vimera. Sir Arthur remonstrated, and insisted upon the propriety of pursuing and capturing the remnants of the French army, as an essential part of his original plan. General Dalrymple persisted in recalling the victorious army, and sent a peremptory order to Sir Arthur, requiring him to retrace his steps to Vimera. He complied. But the great error of this retrograde movement was soon demonstrated by the arrival of a flag of truce, with a proposition from the French commander to capitulate, on condition that his army should be conveyed by British transports to France as prisoners of war on parole.

This capitulation was arranged at Cintra, and it was termed, "The Convention of Cintra." From the proceedings of a board of inquiry, consisting of several general officers, into the operations at Vimera, which led to the convention of Cintra, there is no evidence of any effort by either of the general officers ordered to command the forces under Sir Arthur Wellesley to assume or exercise any command whatever until their arrival at Vimera; and even then they both successively deemed it to be their duty to abstain from taking command until the pending battle should be terminated. And General Dalrymple was censured for his interference before the pursuit and capture of the enemy was complete.

Had either of those general officers halted from sixty to ninety miles from the theatre of the war in which Sir Arthur was engaged, it is not to be believed that any respect would have been paid to their orders, nor is it probable that the British Government would have tolerated so irregular and inefficient a measure. Suppose, sir, that either of those senior commanders had sat still at the very secure post of Gibraltar, and had taken measures to withhold from Sir Arthur Wellesley's army their proper supplies of subsistence, and had thus attempted to starve that gallant army out of its position at Vimera—would it not have brought the authors of so atrocious an outrage to a volley of ball cartridges? Yes, sir, even in the monarchical and aristocratic government of England, where favoritism has its all-powerful sway, I venture to affirm that such an outrage, on the part of any officer in the British army or navy, would have cost him his life; and the ministry that would have sanctioned or connived at such an outrage, would have been promptly hurled from power.

I thank the Court for the patient hearing which they have given me. EDMUND P. GAINES,

Major General U. S. A. by brevet.